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Chaitra 12, 1896 (Saka)

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(Tenth Session)



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LOK SABHA

Tuesday, April 2, 1974/Chaitra 12,
1896 (Saka)

*The Lok Sabha met at Eleven of the
Clock*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Demand for increase in refining Fees by Burmah-Shell and Caltex

*527. SHRI INDRAJIT GUPTA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the Burmah-Shell and Caltex Companies have asked for increase in their refining fees in India;

(b) if so, whether such increase, if sanctioned, would mean a corresponding further rise in the prices of petroleum products over and above the higher prices announced on the 1st March, 1974; and

(c) Government's reaction in the matter?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): (a) Yes, Sir.

(b) and (c). The matter is under examination of Government.

SHRI INDRAJIT GUPTA: I am afraid the reply does not throw much light. Anyway, I would like to know specifically from the hon. Minister whether it is a fact that these two companies have raised this demand for increase in refining fees with particular reference to crude oil which

Government have negotiated for and obtained from Saudi Arabia, and therefore, whether the companies, demand at this juncture is meant to create difficulties in view of the fact that they do not like to refine crude oil which is not brought from their own sources and hence this shows that they are following an obstructive attitude.

SHRI D. K. BOROOAH: All the refineries of the three foreign oil companies. Burmah-Shell, ESSO and Caltex, have since last year, that is to say from March, 1973 to January, 1974, been refining crude oil as refiners for the IOS. It is at the rate of Rs. 20 per tonne. Now, they are asking for an enhancement of it to Rs. 28, which the IOC has not agreed to. It is under discussion with them. It is a commercial proposition between the IOC and these companies. But any increase will have to receive the consent of the Government. We have not as yet received any proposal for enhancement from the IOC, but the demand is for an increase from Rs. 20 to Rs. 28 per tonne.

SHRI INDRAJIT GUPTA: Why?

SHRI D. K. BOROOAH: They have shown some reasons—we have not accepted them—one of them being that the cost has gone up because the corrosion rate is higher, because the oil that they are getting is not only from Saudi Arabia but also from Basra. They say that the corrosion is higher because of a higher sulphur content in the oil. And they have demanded a higher rate but the IOC has not accepted it, and have not sent any proposal. It is under the consideration of the Government.

SHRI INDRAJIT GUPTA: My specific question was whether the

refining fee which these companies charge in the case of crude oil which they bring from their own sources is lower than the rate at which they want to refine oil brought by the Government from its own sources. That was what I wanted to know; whether the distinction in the two rates that they want or they claim is in regard to whether the source of crude oil is their own or whether it is oil brought on Government account from any of these oil-producing countries and, if so,—if that is their logic—why is the Government at all examining something which is obviously a discriminatory attempt to squeeze some money out of this country and which will lead inevitably to a rise in oil prices also?

SHRI D. K. BOROOAH: This was the refining cost. The problem was that the refining cost, as worked out earlier, was Rs. 20. On the basis of our experience in our own refineries, we thought that Rs. 20 was a very reasonable rate, and on the basis of that we have been paying them. Therefore, the IOC has not agreed to pay a higher rate till now. But this is under consideration. (Interruption) The proposal is placed before them; the proposal is being considered.

SHRI D. N. TIWARY: May I know what is the actual cost of refining of the IOC and what is the difference in the rates that they have demanded for similar crude oil being refined by them?

SHRI D. K. BOROOAH: The refining cost could be comparable only to the coastal refineries in the public sector. The cost in the two public sector refineries—Madras and Cochin—

AN HON. MEMBER: Koyali.

SHRI D. K. BOROOAH: Koyali is an inland refinery;—for processing our crude is more or less similar to that which we are paying to the companies. It may increase or decrease some times, but as I said, this is the figure

arrived at after taking into consideration all aspects.

SHRI D. N. TIWARY: What is the experience in your own renneries?

SHRI D. K. BOROOAH: The cost varies. In Madras it will be more than Rs. 20, and in Cochin, it is slightly higher. But that is not really the point at issue. The point at issue is that it is now Rs. 20; that is fixed; they have done it for a year. Now, they are asking for a rise.

श्री मधु लिमये : यह मानी हुई बात है कि अभी तक सार्वजनिक क्षेत्र में जो उद्योग हैं उन की कार्य क्षमता ठीक नहीं है । ऐसी हालत में तेल साफ करने का खर्चा निश्चित रूप से हमारी रिफाइनरी से वहां कम आता होगा । ऐसी हालत में सरकार बहुत जल्दी फ़ैसला क्यों नहीं करती है कि उनकी मांग को हम मानने के लिए तैयार नहीं हैं ?

श्री बेचकान्त बरुआ : फ़ैसला तो अभी आई० ओ० सी० करेगा, क्योंकि अभी यह मामला आई० ओ० सी० और उन के बीच में है । जब वह हमारे सामने आयेगा, तो हम उस के बारे में जरूर अपनी राय जाहिर करेंगे ।

SHRI RAJA KULKARNI: Sir, it is a known fact that in respect of these two oil companies, the crude oil belongs to the marketing foreign branches and these two refineries, the Burmah-Shell and the Caltex Refineries, are only processors; they process the crude oil. In view of the reality of the situation, have the Ministry ascertained whether there is any actual contract between the Refining and Marketing Companies and whether that actually needs any revision? Is there any justification for an increase in the refining fee asked for by these two refineries?

SHRI D. K. BOROOAH: I am not aware of that. But, certainly, we would not agree to any increase in the refining fees.

Target of Irrigation facilities to Kerala in First Year of Fifth Plan

*528. SHRIMATI BHARGAVI THANKAPPAN: Will the Minister of IRRIGATION AND POWER be pleased to state;

(a) whether the target of irrigation facilities to be extended to Kerala State by the Central Government during the first year of Fifth Plan has been finalised; and

(b) if so, the particulars of projects proposed and the capacity of each?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT):

(a) Irrigation is a State subject and the irrigation projects are implemented by the State Governments as part of their developmental Plans. The Annual Plan of Kerala for 1974-75 has yet to be finalised.

(b) Does not arise.

SHRIMATI BHARGAVI THANKAPPAN: May I know from the hon. Minister whether any letter was received from the Chief Minister of Kerala in the month of December 1973, for assistance to the tune of Rs. 300 lakhs, out-side the Plan provision, for execution of some of the projects in Kerala? If so, what action has been taken in this regard? If not, what are the reasons therefor?

SHRI K. C. PANT: The Kerala Government did make a request earlier this year for special assistance. In fact, in June 1973, a request was received. The Planning Commission went into this and came to the conclusion that it was not possible to provide any special Central assistance in view of the financial constraints during this year.

SHRIMATI BHARGAVI THANKAPPAN: Did you get any letter from the Chief Minister during the month of December, 1973?

SHRI K. C. PANT: We got a letter in December, 1973. The situation is not likely to have altered since then.

SHRIMATI BHARGAVI THANKAPPAN: Most of the major and medium irrigation projects were started as early as 1961. None of them have been completed so far. I would like to know what measures are being taken by the Government to carry out these projects and complete them—all these projects—as early as possible.

SHRI K. C. PANT: Sir, certain projects in Kerala have been going on for a number of years and I would agree with my hon. friend that it is necessary to complete these projects quickly and to get the benefits from these projects. Since the Plan has not yet been finalised, it is not possible for me to spell out the details of allocation and so on. The general idea is to complete as many of the on-going projects in the Fifth Plan, as possible. There are seven on-going major projects. Our intention is to complete six of them and get the benefits from them during the course of the Fifth Plan.

SHRI VAYALAR RAVI: May I know whether the Planning Commission has categorically suggested the completion of the seven incomplete projects pending for the last fifteen years? May I also know whether they would take up other minor irrigation projects including Vamanapuram project?

SHRI K. C. PANT: There are seven major irrigation projects under construction in Kerala now.

SHRI VAYALAR RAVI: There was a discussion in the Planning Commission.

SHRI K. C. PANT: The Planning Commission is famous for its discussions. Out of these seven continuing projects, the idea is to complete six during the Fifth Plan. The hon. Member asks whether it will spill over into the Sixth Plan and whether some new projects will be taken up.

SHRI VAYALAR RAVI: Vamana-puram project.

SHRI K. C. PANT: It has been recommended by the Kerala Government and it is one of the projects tentatively included but until the Plan is finalised I will not be able to say anything definite.

SHRI N. SREEKANTAN NAIR: Is the hon. Minister aware that these seven projects would take at least another 25 years more for completion if allotment is made as is being done now and that the overall cost of each of these projects will be four-fold? If so will the Government consider some method by which some more money can be diverted, whether from the World Bank or some other source so that these projects can be completed within the Fifth Plan period?

SHRI K. C. PANT: I have already indicated the broad approach of the Government in the matter. I agree that we should complete as many of these projects in the Fifth Plan and I believe the broad idea is to complete most of them, at least six of them. If he wants completion of on-going projects, one practical approach would be to take fewer new projects and divert that money to on-going projects. There are obvious difficulties in taking up new projects also.

SHRI N. SREEKANTAN NAIR: My question is whether they would get some aid from the World Bank or would be the Centre give some help so that these projects could be completed; otherwise they would take another 20 years.

SHRI K. C. PANT: I hope his prophecy does not come true.

Total Railway Lands allotted to its Employees for Agricultural purposes

*530. **SHRI RAM BHAGAT PASWAN:** Will the Minister of RAILWAYS be pleased to state:

(a) whether some Railway lands have been allotted to the Railway employees during the past one year for agricultural purposes;

(b) if so, the basis for such allotment; and

(c) the total land allotted so far?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (c). A statement is laid on the Table of the Sabha.

STATEMENT

As per extant instructions surplus Railway land in station yards and in railway colonies are allotted to the Railway employees/Railwaymen's Co-operative Farming Societies on annual or biennial basis on payment of suitable licence fee for 'Grow More Food' purposes. Accordingly, upto 31st March 1973 a total of approximately 31,000 acres of land has been allotted.

श्री राम भगत पसवान : बीकर सैक-हन्ड के प्रति रेलवे मंत्री का खास ध्यान रहता है । मैं जानना चाहता हूँ कि क्या सरकार ने कोई ऐसा प्रिंसिपल तय किया है कि रेलवे की भूमि चबुड़ श्रणी के कर्मचारियों को और उन में भी खास तौर पर हरिजनों और आदिवासियों को ही मिले। रेलवे की भूमि का यह जो एलाटमेंट किया जाता है, क्या वह कर्मचारियों की सेवा-ध्वनि तक ही किया जाता है, या उस को उन के वारिसों के लिए भी कान्टीन्यू किया जाता है ?

श्री मुहम्मद शफी कुरेशी : बिरासत के तौर पर जमीन नहीं मिलती है ।

जरूरत के मुताबिक जमीन दी जाती है। इस बात का ख्याल रखा गया है कि रेलवे की जो जमीन खाली पड़ी है, वह पिछड़ी जातिवों, शिड्यूल्ड कास्ट्स और शिड्यूल्ड ट्राइब्स के लोगों को दी जाये।

श्री राम भगत पासवान : मैं यह जानना चाहता हूँ कि हर ज़ोन में इस समय टोटल कितनी भूमि है जो एलाटमेंट किये जाने योग्य है, अभी तक कितनी भूमि का एलाटमेंट किया जा चुका है और कितनी बाकी है ? क्या बाकी जमीन का भी एलाटमेंट किया जायेगा या नहीं ?

श्री मुहम्मद शकी कुरेशी : हमारे पास टोटल काबिले-कायत जमीन 1,25,993 एकड़ हैं, जिस में से 30,949 एकड़ के करीब रेलवे एम्प्लॉईज को दी गई हैं। जो बाहर के लोगों को जमीन दी गई है वह है 8 हजार 4 सौ 5 एकड़ और स्टेट गवनमेंट्स को जो दी गई है वह 40 हजार एकड़ के करीब है। जो बाकी काबिले कायत रकबा बचा है वह 46 हजार 87 एकड़ के करीब है।

श्री राम भगत पासवान : क्या वह बात सही है कि कभी-कभी ऐसा भी होता है कि वह रेलवे की भूमि रेलवे के कर्मचारियों को नहीं दी जाती है दूसरे व्यक्तियों को दी जाती है जो रेलवे के कर्मचारी नहीं होते और सैटिलमेंट आफ़िसर अपनी इच्छा के अनुसार सैटिलमेंट करते हैं ? क्या सरकार कोई ऐसा निर्देश उन सैटिलमेंट आफ़िसर्स को देगी जिससे कि वह जमीन रेलवे कर्मचारियों को ही मिले और उनमें भी हरिजन और आदिवासियों को ही खास तौर से मिले ?

श्री मुहम्मद शकी कुरेशी : कभी-कभी ऐसा भी होता है कि अगर रेलवे कर्मचारी जमीन लेने के लिए तैयार नहीं हों तो वह औरों को भी दी जाती है।

श्री रामावतार शास्त्री : अधिक भ्रष्ट उपखाने के नाम पर रेल मजदूरों या उन की सहयोग समितियों को 31 हजार एकड़ जमीन देने की बात इस वक्तव्य में कही गई है तो मैं यह जानना चाहता हूँ कि जमीन पाने वाले रेलवे कर्मचारियों की संख्या कितनी है और सहयोग समितियों को जिन्हें आप ने जमीन दी है उन की भ्रष्ट संख्या कितनी है ? साथ ही यह भी बताने की कृपा करें कि इतनी जमीन में 1973 में कितना भ्रष्ट पैदा हुआ क्योंकि आप को जरूर बताया जाता होगा कि भ्रष्ट पैदा कर रहे हैं तो कितना भ्रष्ट पैदा हुआ यह आप बताएं ताकि देश को मालूम हो कि आप की जमीन का सदुपयोग हो रहा है या दुरुपयोग हो रहा है और आप के उद्देश्य की पूर्ति की जा रही है या नहीं ?

अध्यक्ष महोदय : आप के प्रश्न का पहला भाग तो ठीक है। बाकी भ्रष्ट पैदा हुआ कहीं और कुछ नहीं।

श्री रामावतार शास्त्री : वक्तव्य में दिया गया है कि अधिक भ्रष्ट पैदा करने के लिए जमीन दी जाती है तो उस में अधिक भ्रष्ट पैदा हो रहा है या भ्रष्ट पैदा हो रहा है ?

श्री मुहम्मद शकी कुरेशी : भ्रष्ट नहीं बनाए जा रहे हैं। जमीन जो दी जाती है वह खुराक पैदा करने के लिए होती है। हम यह नहीं कह सकते कि कितनी खुराक पैदा हुई और क्योंकि हम उस जमीन का

किराया लेते हैं और उस से सालाना हमारी आमदनी 12 लाख रुपए है। तो इस से अन्दाज़ यही होता है कि जहर जो लोग जमीन लेते हैं वह उस का उपयोग भी करते होंगे।

SHRI BISWANARAYAN SHASTRI: May I know the number of railway-men's cooperative farming societies in each zone and whether he is aware that some of the railwaymen's lands are leased out to outsiders by some railwaymen and thereby running a zamindari?

SHRI MOHD. SHAFI QURESHI: In regard to the last question, the rules lay down that the land will be allotted only to the actual cultivator. With regard to the number of cooperative societies existing in each zone, I need notice.

श्री शंकर बघाल सिंह : इस सदन में पहले भी इस तरह का प्रश्न उपस्थित हुआ है जिसमें सदस्यों ने इस बात की मांग की थी कि रेलवे कर्मचारियों को जो रेलवे की जमीन बांटी जाती है उसकी जगह पर भूमिहीनों को और हरिजनों को जमीन दी जाय, तो मैं सरकार से जानना चाहूंगा कि क्या सरकार ऐसी नीति बनाने का विचार रखती है जिससे भूमिहीनों को बेरोजगार व्यक्तियों को, और हरिजनों को रेलवे की जमीन दी जाय ?

श्री मुहम्मद शफी कुरेशी : यह सुझाव माना गया है कि जिन के पास जमीन नहीं है, उन को हरिजनों को, सेड्यूल्ड ट्राइब्स को और जो तालीमवाफता बेरोजगार ऐग्रीकल्चर के ग्रेज्युएट्स हैं उनको यह जमीन दी जाय।

श्री शंकर बघाल सिंह : कितनों को दी गई है ?

श्री मुहम्मद शफी कुरेशी : यह तो इसी साल 25वीं मरु हुई है। मेरे पास

इस वक्त फिगर्स नहीं हैं कि कितनों को दी गई है।

श्री मुहम्मद इस्माइल : आप ने कल्टीवेशन के लिए जमीन तकसीम करने का इंतजाम किया है लेकिन रेफ्यूजीज भी बहुत से ऐसे मेरे प्रान्त में हैं जो आप की जमीन जो बेकार पड़ी हुई है वहां छोटी-छोटी दुकानें लगा कर आरजी तौर पर अपना कारोबार कर रहे हैं और उस से अपनी गुजर कर रहे हैं खास कर के जैसे चौबीस परगना में हैं तो उन को बीच-बीच में उजाड़ा जाता है, वहां से उठा दिया जाता है जब कि वह जमीन आपकी बेकार पड़ी हुई है तो इस बारे में आप की क्या राय है ?

श्री मुहम्मद शफी कुरेशी : राय नहीं प्रोप्राय है कि किसी को उजाड़ना हक़ार काम नहीं है, बसाना ही हमारा काम है।

SHRI A. K. M. ISHAQUE: Since a substantial quantum of land is available with the railway administration and since intensive cultivation is necessary to grow more food in those lands, do Government propose to allot those lands to persons who are landless so that intensive cultivation is possible? Secondly, why preference is given to the railway employees who already have some pay scales and some regular income, and not the landless people?

SHRI MOHD. SHAFI QURESHI: Preference is always given to the landless people and not to those who have already lands.

जीमती मुकुल बैरंजी : धनी मंत्री महोदय ने बताया है कि आप का उजाड़ने का प्रोग्राम नहीं है बसाने का प्रोग्राम है तो फिर यह मिटो रोड़ के पास जो रेलवे लाइन पर लोग बस गए हैं उन को क्यों नोटिस दिया गया है ?

श्री मुहम्मद शाफी कुरेशी : उस की वजह यह है कि वह जमीन खुराक पैदा करने के लिये नहीं है बल्कि वह रिहायशी जमीन है और उस पर जबरदस्ती उन्होंने कब्जा कर रखा है। लेकिन इस के बावजूद भी 1972 से पहले जिन्होंने जबरदस्ती कब्जा किया है उनको उजाड़ा नहीं जा रहा है। उस के बाद जो जबरदस्ती कब्जा करेंगे उन को वहां नहीं रखा जायगा, दूसरी जगह भ्रामाद किया जायगा।

श्री रण बहादुर सिंह : क्या कुछ ऐसे विशेष प्रकरण मंत्री महोदय के सम्मुख उपस्थित किए गए हैं जहां रेल की भूमि मरीब किसानों को पहले कम कीमत पर बी गई है और जब फसल खड़ी हो गई तो उन से जो कीमत वसूली का नोटिस दिया गया है वह पहले वाले नोटिस से दस गुनी कीमत का है ?

श्री मुहम्मद शाफी कुरेशी : ऐसा कोई वाक्या माननीय सदस्य बताएं तो मैं जरूर उस की तहकीकात करूंगा।

Delay in Oil Drilling in Bombay High due to Impending agitation by O & N.G.C. Officials

*534. **SHRI PURUSHOTTAM KAKODKAR:**

SHRI D. D. DESAI:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the drilling operations in Bombay High were delayed to the impending agitation by two principal association of the O & N.G.C. Officials against the management; and

(b) if so, whether any efforts were made to avoid the agitation.

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): (a) and (b). The employees of the ONGC posted in the Bombay Offshore Project have been agitating on certain issues like additional allowances, provision of residential accommodation in Bombay, shorter shift period and helicopter transportation of shift personnel from Bombay to 'Sagar Samrat' instead of sea-transportation.

The Commission is making all efforts to meet such of the demands of these employees as are considered reasonable. For example, additional payments in the form of quarterly performance incentive, payment towards local transportation charges and "sea voyage by boat" allowance have been granted to the drilling personnel working on board Sagar Samrat, in addition to other allowances given earlier, such as hard duty allowance, drilling allowance, house rent allowance and special disturbance allowance. Moreover, efforts are being made by ONGC to obtain residential accommodation to the employees. Also, the question of transporting shift crew from Bombay to Sagar Samrat by helicopter is under consideration.

However, the agitation on such issues by the employees has not adversely affected the progress of drilling operations in Bombay High.

SHRI PURUSHOTTAM KAKODKAR: The hon. Minister has tried to satisfy everyone. According to the Sanskrit saying 'सतोषं परममं खम्' satisfaction itself is happiness. The hon. Minister says that the agitation is going on but it does not affect the work adversely and, therefore, he is happy. If the agitation goes on permanently and that will not affect the work adversely, is the Government contemplating finding out some device to ensure that such agitations do not take place, particularly in such projects as oil exploration?

SHRI D. K. BOROOAH: It is certainly the right of the working class to ask for better conditions of service and I am in full agreement with their plight. It is also the responsibility of the Government to see that they concede their demands, as far as possible and reasonable. Therefore, I am not unhappy that they are making these demands. I suppose they are entirely within their rights in making these demands, particularly in view of the excellent work they have done. I am grateful to them for what they have done and I hope we would be able to provide them the facilities they have asked for.

They have asked for two or three facilities. One is a change of the shift. Instead of 15 days at a stretch they want to work for seven days. That is not possible. We have made enquiries all over the world. The drilling crew work in a shift for 15 days and then they go back for a week.

Then, transportation by ship takes a long time. Therefore, we are giving them a special allowance for that trip. In the mean while, we are trying to locate helicopters. We take helicopters from the Indian Air Force. They have their own difficulties. So, we are considering the desirability of hiring helicopters to carry them. It is in our interest that the minimum time should be taken for transportation of the crew from the shore to the ship.

So far as the housing problem is concerned, as you all know, it is very difficult to get houses in Bombay. We are trying to get some houses for them through the Maharashtra Housing Board. In the meanwhile, we have tried to buy some land so that we can build houses for them permanently. Now we, are giving them house rent allowance at the rate of, if I am not mistaken, 30 per cent.

We are giving them hard duty allowance of 40 per cent of the pay,

subject to a ceiling of Rs. 640. We give them also a special disturbance allowance of a lump sum grant of one month's salary, at the time of coming to the Bombay off-shore project, which is not to be recovered. Then there is a drilling allowance of 20 per cent. We also give them a quarterly performance incentive ranging upto 40 per cent of the pay, depending on their performance, as assessed by the Project Manager of the Drilling Contractor and the ONOC. All that I would say is that we are having a very close look at not only their demands but our requirements also. We hope that we will be able to sort out this problem to the best interest of the work that they are entrusted to do.

SHRI PURUSHOTTAM KAKODKAR: The hon. Minister has said that agitation has not adversely affected the work.

MR. SPEAKER: The hon. Minister has already replied to this point.

SHRI PURUSHOTTAM KAKODKAR: How long will it take the hon. Minister, under the present situation of strikes and so on, to complete this oil exploration, drilling and so on, and when we can expect oil and manufacture of its products.

SHRI D. K. BOROOAH: There is the use of the word 'agitation'. I am sorry I have also used it. But this is hardly appropriate. The labour demands are a continuing process. You cannot satisfy them. It is not that they may not ask for better standard of living later. It is a continuing process, and we shall have to discuss this matter with the working class as we go along. Nonetheless, we are trying to sort out the problems. It may take time because it is beyond our competence to get those things; for instance, regarding helicopter, we are trying to get the helicopter on rent; regarding houses, there is acute shortage of houses in Bombay and we are trying to get

houses through the good offices of the Government of Maharashtra. I hope we will be able to sort them out earlier than what some people are thinking.

So far as the main work is concerned, it will be on an expanded scale and it is also going to be a continuous one. It will be too early to say anything as to when we can complete this work because Bombay High is a very large area. Continuous drilling will go on in this area. I think that within three years it will be possible to get some oil at least.

SHRI B. V. NAIK: From what the hon. Minister was good enough to explain, he seems to have erred on the side of generosity as far as the working force are concerned. May I know whether, in view of the fact that a large area is supposed to be good enough for prospecting, there is a paucity of off-shore drilling personnel in this country which might limit the possibility of having many more Sagar Samrats in the Bombay High area, and in order to see this for ourselves, may I know whether the Minister would think it appropriate that a Parliamentary delegation should visit this platform drilling in that area?

SHRI D. K. BOROOAH: So far as shortage of personnel is concerned, it is there because people have not had the opportunity of being trained. But today the shortage is of platform rather than of personnel because people can be trained, and it has been proved that our technical personnel are as good as any in the world. This particular ship, although it is working in collaboration with experts from America, is captained by an Indian Captain, Captain Sulikar.

So far as Members of Parliament visiting that area is concerned, I am a servant of this House; if the members desire to pay a visit, they are certainly welcome, and it can be arranged in accordance with the

capacity of the helicopters to take them there.

SHRI RAJA KULKARNI: First of all you have to determine, Sir, whether there is any relationship between the answer given and the question itself, because according to me the question relates to the associations of officers, and the reply given relates to workmen. So far there has been no agitation by the workmen in the Bombay High where they are engaged in the drilling operations; I happen to be the President of one of these organisations of the workmen there; there is no agitation; though we have been demanding the things which the hon. Minister has cited in his reply, the agitation and the threat of stopping work have been done by the officers' associations. The question is specifically directed towards the two principal associations of the ONGC officials. Now, there is no reply to this. We would like to know whether....

MR. SPEAKER: The question, whatever it was, was between Shri Kakodkar and the Minister and both of them are satisfied.

SHRI RAJA KULKARNI: I, therefore, raise the issue that you will have to determine whether the question is related to the reply or the reply is related to the question.

MR. SPEAKER: I am not worried about the reply when the Minister and the Member are satisfied.

SHRI RAJA KULKARNI: My point is that there is an Association of Class II Officers. They are also agitated....

MR. SPEAKER: Let him reply.

SHRI RAJA KULKARNI: He has not replied to that.

MR. SPEAKER: He will get up only if you sit down. I am asking you to please sit down and asking him to get up.

SHRI D. K. BOROOAH: I consider certainly the word 'agitation', as I said, was not quite appropriate in this context. But, when I said 'working class', I included also the officers. Not being a believer in the caste system, I do not believe that there should be any class difference between the officers and the workmen.

AN HON. MEMBER: What a clever reply.

MR. SPEAKER: Kumari Kamla Kumari—absent.

Shri Vasant Sathe—also not here.

Shri S. B. Patil—also absent.

Shri Mukhtiar Singh Malik—absent.

Shri Nihar Laskar.

Permitting Foreign Oil Firms for Offshore Oil Exploration

*538. **SHRI NIHAR LASKAR:**
SHRI MUKHTIAR SINGH MALIK:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government have permitted some foreign oil firms to undertake off shore drillings in the Indian Ocean;

(b) if so, the names of such foreign firms; and

(c) the broad features of the terms of agreement?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): (a) No. Sir. Negotiations are, however, going on with selected foreign parties for oil exploration, development and production in some of the offshore areas. At this stage it is not in the public interest to disclose any details in this connection.

(b) and (c). Do not arise.

SHRI NIHAR LASKAR: In view of the recent oil finds in the Bombay High, I would like to know whether the Government would think it proper to go in a big way in other prospective areas and also, in view of the fact that we have no expertise in our country and it will take years to acquire it, getting the foreign collaboration and expertise be expedited so that we can go in for other fields also?

SHRI D. K. BOROOAH: That is the intention.

SHRI INDRAJIT GUPTA: May I know whether the intention of the Government in the negotiations which they are conducting at present visualises only the obtaining of foreign technical know-how and expertise or also proposals for foreign equity participation? I want to know that.

Secondly, I also want to know whether any of these foreign firms with whom talks are being held are also proposing that a part of the oil found should be at their disposal for exports.

SHRI D. K. BOROOAH: They have been utilised as, what is known in the oil world, drilling contractors or general contractors for drilling. So there is no investment by the Government as such. Therefore, no share is envisaged.

So far as the question whether they should take a share in the oil or they should have only fees, that is under consideration.

SHRI INDRAJIT GUPTA: So, they may take a part of the oil also?

SHRI D. K. BOROOAH: I would not confirm the hon. Member.

SHRI P. VENKATASUBBAIAH: One of the clauses of the Indo-Soviet Treaty of Friendship was to seek Soviet collaboration and expertise in the matter of exploration of oil. I

want to know whether the Government is having any negotiations with the Russian Government in pursuance of that treaty?

SHRI D. K. BOROOAH: In pursuance of that as also of the earlier co-operation with the Soviet Union, we have already entered into large scale arrangements with Soviet Union for onshore drilling, that is, drilling on land in different parts of India. Our only collaborator for on-shore drillings in our territory is the Soviet Union. But, so far as off-shore drilling is concerned, Soviet Union have no expertise in this line and there has been no proposal in that regard.

SHRI B. V. NAIK: The location of the drilling of the Bombay High is at a considerable distance from the shore and outside, as far as I know, the territorial waters of this country. There is going on in the United Nations a controversy, called, seabed controversy. Is there any objection raised by any of the other countries to our taking up drilling in this area called 'Bombay High' because it falls in the high seas? Is there any law, international or national, which forbids a country so that we may take appropriate action?

SHRI D. K. BOROOAH: This is a matter which has certainly to be considered. But one thing is certain. We have grave objection and we will oppose tooth and nail any interference or any attempt by any foreign country to drill in these areas.

SHRI S. A. SHAMIM: This question must be expunged.

Completion of Gandak Project

*540. **SHRI BIBHUTI MISHRA:** Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether Government has fixed a definite target date to complete Gandak Project; and

(b) if so, the date so fixed?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). The work on the Gandak Project is expected to be completed by 1976-77.

श्री बिभूति मिश्र : अध्यक्ष जी, मैं जानना चाहता हूँ कि जब से गंडक योजना की शुरूवात हुई तब से अब तक सरकार ने कितनी दफा टागेंट डेट्स को दबसा, और जिन टागेंट डेट्स को रखा उन में क्यों नहीं इस योजना की पूर्ति हो पायी? आखिर सरकार ने जो 1976-77 का टागेंट रखा है उस में गंडक योजना पूरी तरह से कामयाब हो जायगी ?

श्री सिद्धेश्वर प्रसाद : यह गंडक योजना बिहार और उत्तर प्रदेश सरकार द्वारा कार्यान्वित की जा रही है और उत्तर प्रदेश तथा बिहार की सरकार ने इस सम्बन्ध में कार्यान्वित करने की जो तिथियाँ हमें बतायी हैं हम उसी के आधार पर सदन को सूचना देते रहे हैं। अभी उत्तर प्रदेश और बिहार की सरकार ने बताया कि 1976-77 में गंडक योजना के पूरा हो जाने की पूरी सम्भावना है ।

श्री बिभूति मिश्र : अध्यक्ष जी, मैं इस सदन में शुरू से पूछता रहा हूँ इन-फ्लेशन है, 120 करोड़ २० इस पर खर्च हो चुका है और तीन, चार लाख एकड़ जमीन में सिंचाई होती है, सारा पैसा केन्द्रीय सरकार का लगता है, केन्द्रीय सरकार के सारे मंत्री कहते हैं कि जोइंट रेस्पॉसिबिलिटी है, तो मैं पूछना चाहता हूँ कि जो इतना इनफ्लेशन हो रहा है, आप ने जो टागेंट डेट बतायी क्या उस में इस योजना को निश्चित रूप से पूरा करना चाहते हैं ? या फिर देश में इनफ्लेशन बढ़ाना चाहते हैं, यह मैं जानना चाहता हूँ?

श्री सिद्धेश्वर प्रसाद : जहां तक इस प्रश्न का सम्बन्ध है हम इस बात की पूरी तरह कोशिश कर रहे हैं कि 1976-77 तक वह योजना अवश्य पूरी हो जाए। जहां तक मूल्य वृद्धि का सम्बन्ध है वह एक बड़ा लम्बा सवाल है और इस वास्ते इसके सम्बन्ध में मुझे कुछ नहीं कहना है।

श्री बिभूति मिश्र : मेरा व्यवस्था का प्रश्न है। 120 करोड़ खर्च कर चुके हैं। इनप्लेशन होती जाती है। मूल्य बढ़ते जाते हैं। आप इसका जवाब नहीं दिलवाते हैं कि जो टारगेट रखी है क्या उस टारगेट डेट तक इसको अवश्य पूरा कर लिया जाएगा? पूरा आप नहीं करते हैं और जवाब भी नहीं देते हैं। इसकी जवाबदेही किस की है।

अध्यक्ष महोदय : प्वाइंट ऑफ ऑर्डर नहीं उठता है। मिनिस्टर साहब कुछ और बताना चाहें तो बता सकते हैं।

श्री बिभूति मिश्र : रुपया इनका है। क्यों पूरा नहीं करवाते हैं? किस की जवाब देही है?

SHR A. P. SHARMA: We were given to understand that if the Bihar Government proposes or recommends, then, this Gandak project will be taken up by the Central Government. So far as we know, Sir, the Chief Minister of Bihar has already written to the Central Government. May I know whether the Central Government has decided to take up this project?

SHRI SIDDHESHWAR PRASAD: This is a matter which has been raised earlier in the House and has been replied to regarding another question put by Shri Bibhuti Mishra and the Planning Minister had said that it is not acceptable.

MR. SPEAKER: The Minister is from Bihar and Members are from Bihar.

SHRI A. P. SHARMA: In this House we were assured that this will be taken up provided the Bihar Government agrees and now the Government replies that they have considered and they have decided not to do it.

श्री श्री० एन० तिवारी : गंडक नहर सारन जिले से हो कर जाने वाली है। सारा काम ठप्प पड़ा है, कोई काम नहीं हो रहा है। चार पांच महीने से नहीं हो रहा है। सारा स्टॉफ बैठा हुआ है।

दूसरी बात यह है कि मेन चैनल बनाने की ही कोशिश हो रही है लेकिन सबसिडिरी चैनल नहीं बनाई जा रही है। इसका नतीजा यह हो रहा है कि खेतों की सिंचाई नहीं हो पा रही है। क्या मंत्री महोदय इस ओर ध्यान देंगे कि सबसिडिरी चैनल बनाई जाए ताकि खेतों को पानी दिया जा सके, उसकी व्यवस्था हो सके?

श्री सिद्धेश्वर प्रसाद : माननीय सदस्य में ओ प्रश्न उठाया है उस के सम्बन्ध में बिहार सरकार के जो अधिकारी तथा मुख्य अभियंता आए थे उन के साथ इस की चर्चा हुई थी और उन लोगों ने कहा कि पिछले साल चूकि योजना में कुछ कटौती हो गई इसलिए काम में थोड़ी गिरिलता आ गई थी। अब माननीय सदस्य ने जिस नहर और उस की शाखा नहर की ओर संकेत किया है, उस पर काम तेजी से शुरू किया जाएगा।

SHRI PRABODH CHANDRA: Many of the projects are held up because of inter-State quarrels. Is there any

proposal with the Central Government to take up these projects and complete them in time rather than cause delay which is causing the country loss to the tune of billions of rupees?

SHRI SIDDHESHWAR PRASAD: Irrigation is a State subject and these projects have got to be executed by the State Government. If there are inter-State problems we do try settle and sort out such problems. After they are sorted out, when such projects are ready, they have to be executed by the concerned State Governments.

माझ भाडे धीर यात्री किराये में वृद्धि की प्रतिशतता

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*541. श्री धरम बिहारी बाजपेयी :
श्री जगन्नाथ राव जोशी :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) रेलवे के वर्ष 1970 में प्रति टन धीर प्रति किलोमीटर माझ भाड़ा धीर तीसरे दर्जे का प्रति यात्री प्रतिकिलोमीटर किराया अलग अलग क्या था और अब क्या है ;

(ख) वर्ष 1972-73 में उपरोक्त वर्गों में कितने प्रतिशत वृद्धि या कमी हुई; और

(ग) यदि रेलवे के माझ भाड़े धीर किराये में वृद्धि हुई है तो जन साधारण के हित को ध्यान में रखते हुए अधिक सुविधायें देने के लिए कदम उठाये जायेंगे?

रेल मंत्रालय में उप मंत्री (श्री सुहृन्ध काकी कुरेसी) : (क) से (ग) एक विवरण सभा पटल पर रख दिया गया है।

विवरण

(क) धीर (ख). प्रतिभाड़ा मीटरिक टन किलोमीटर धीर तीसरा दर्जा प्रति यात्री प्रति किलोमीटर धीसत प्राय धीर उस में 1970-71 की तुलना में 1972-73 में हुई प्रतिशत वृद्धि ।

1970-71 (पैसे)	1972-73 (पैसे)	1970-71 की तुलना में 1972-73 में हुई प्रति- शत वृद्धि
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प्रति मीटरिक टन किलोमीटर
प्रति धीसत प्राय

5.43 5.74 5.71

तीसरा दर्जा प्रति यात्री
प्रति किलोमीटर प्राय

मल 2.92 2.96 1.37
असाधारण 1.98 2.02 2.02

(ग) जन साधारण को धीर सुविधाएं प्रदान करने के लिए निम्नलिखित उपाय किये जा रहे हैं :—

- (1) तीसरे दर्जे में अधिक प्रतीशालवां की व्यवस्था ।
- (2) पीने के ठंडे पानी का प्रबंध ।
- (3) प्रतिरिक्त टिकट खिड़कियों के खोलने की व्यवस्था ।
- (4) जयन्ती जनता भीड़ियां चलाना ।
- (5) प्रतिरिक्त बाड़ियां चलाना/वर्तमान बाड़ियों में प्रतिरिक्त टिकटें चलाना ।
- (6) स्टेशनों पर पोषणा कक्षां की स्थापना ।

श्री अटल बिहारी वाजपेयी : जो विवरण सभा पटल पर रखा गया है उससे यह स्पष्ट है कि 1970-71 की तुलना में तीसरे दर्जे के यात्रियों के किराए में प्रति किलोमीटर 1.37 प्रतिशत वृद्धि की गई है। और साधारण किराए में 2.02 प्रतिशत की वृद्धि की गई है। मैं जानना चाहता हूँ कि क्या सरकार ने यह फैसला किया है कि तीसरे दर्जे के किराए में वृद्धि से जो भी भ्राय होगी उसे तीसरे दर्जे के यात्रियों को सुविधायें प्रदान करने पर ही खर्च किया जाएगा ?

श्री मुहम्मद शफी कुरेशी : जिस तरह से इन्होंने तीसरे दर्जे के किराए में वृद्धि बताई है उसी तरह से मैं यह भी बताऊँ कि बाकी क्लासिस में जो वृद्धि हुई है उस में सैकिड जो पहले था उस में 12 परसेंट का इजाफा हुआ है ए.सी० चेयर कार में 9 परसेंट का और ए०सी०सी० में दस परसेंट का। इसके बावजूद भी जो रकम हमें वसूल होगी किराए की वह तमाम लोगों की सुविधा के लिए इस्तेमाल की जाएगी खाली तीसरे दर्जे के लिए नहीं।

श्री अटल बिहारी वाजपेयी : विवरण में जिन सुविधाओं का उल्लेख किया गया है उस में एक सुविधा यह भी है कि तीसरे दर्जे के यात्रियों को टिकट बांटने की खिड़कियों की संख्या को बढ़ाना। क्या यह भी यात्रियों की सुविधा है ? क्या यह रेलवे का कर्तव्य नहीं है कि टिकटों के लिए समुचित संख्या में खिड़कियां होनी चाहियें ?

श्री मुहम्मद शफी कुरेशी : जब टिकट लेने वालों की तादाद ज्यादा हो और क्यू लम्बी हो तो लोगों को कष्ट होता है। इस वास्ते उनकी सुविधा के लिए ज्यादा खिड़कियां होनी चाहियें।

श्री अटल बिहारी वाजपेयी : क्या आप इनके जवाब से सन्तुष्ट हैं ?

अध्यक्ष महोदय : सन्तुष्ट तो आपको होना चाहिये। मुझे अपने साथ शामिल मत करो।

श्री अटल बिहारी वाजपेयी : तो मुझे एक प्रश्न और पूछ लेने दीजिये। नई सुविधाओं का मंत्री महोदय ने उल्लेख दिया है। अभी तक जो तीसरे दर्जे में चलते थे वे अब दूसरे में चलने लगेंगे। क्या वे सुख का अनुभव नहीं करेंगे ? क्या कारण है कि इसका उल्लेख नहीं किया गया है ? इसका उल्लेख भी कर देते।

अध्यक्ष महोदय : जब ये रेलवे स्टेशन पर सत्याग्रह करें तो इनको सुविधा क्या देंगे ?

SHRI S. M. BANERJEE: Sir, I would like to know whether some of the recommendations of the Railway Reservation Committee were accepted and considered by Government. If so, I want to know whether they have also been implemented. In the matter of seat bookings and reservations, scandals are going on. So, I want to know whether these recommendations in regard to this have been accepted and implemented.

SHRI MOHD. SHAFI QURESHI: The Committee has given an interim report. Some of the recommendations have been accepted. Others are under Consideration.

श्री राजेन्द्र प्रसाद यादव : पिछले दिनों में अखबारों में आया था कि जो एक साल के बाद भी यात्रा करना चाहते हैं वे आज ही रिजर्वेशन करवा सकते हैं। मैं बम्बई गया था। वहाँ मैंने देखा कि लोग पहले से ही आ कर प्लेटफार्म पर सो गए थे इस वास्ते कि दूसरों के लिए उनको टिकट कटवा करके देना है या कुछ कमना है। मैं जनना चाहता हूँ कि वास्तव में यह सुविधा है या असुविधा ?

श्री मुहम्मद शफी कुरेशी : इस सिफारिश को तजुबे के तौर पर इस वक्त ध्याजमाया जा रहा है। अगर यह कामयाब रही तो इसका चलाया जाएगा नहीं रही तो नहीं चलाया जाएगा।

Generation of Power by Hydraulic, Thermal and Nuclear Projects

*544. **SHRI SHANKERRAO SAVANT:** Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the hydraulic, thermal (diesel based and coal based, separately) and nuclear power projects which are actually generating power at present giving in each case the quantity of power generation a normal year;

(b) the projects coming under these three categories which are under construction giving their individual capacities and the probable date of their completion; and

(c) the projects coming under these three categories which are envisaged in the Fifth Five Year Plan?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) to (c). A statement is laid on the Table of the House. [Placed in Library. See No. LT-6600/74].

SHRI SHANKERRAO SAVANT: Is it a fact that there have been some troubles in the Tarapur nuclear plant and if so, have they been removed? It has been reported that the Tarapur nuclear plant had been wrongly designed. I would like to know whether that is a fact and whether that has been set right.

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT): The Tarapur plant has run into troubles from time to time, and one of the reasons has been located namely that some rearrangement is required in the transmission lines outside, where the transmission lines are connected with the mains, and this has been done. There have been certain difficulties with the machinery, which have come up in the House from time to time. But Tarapur was by and large running very smoothly, but recently again there has been a breakdown.

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SHRI SHANKERRAO SAVANT: Is it a fact that the nuclear plant was wrongly designed?

SHRI K. C. PANT: There was some difficulty with the design also, which has also come up in the House in the past. But that was rectified some months ago.

MR SPEAKER: Next question. Mr Jadeja. The hon. Member is absent. The question list and also the Question Hour are both over.

WRITTEN ANSWERS TO QUESTIONS

Rejection of suggestion for mixing power Alcohol with Petrol

*526. **SHRI R. S. PANDEY:**
SHRI RAM PRAKASH:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government have rejected the suggestion for mixing power alcohol with petrol for running vehicles; and

(b) if so, the reasons therefor?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): (a) and (b). There is at present no surplus of alcohol in the country and there is difficulty in meeting even the demand of alcohol based industries. If and when any surplus quantity becomes available, the position would be reviewed.

Increasing price of Bitumen and its availability

*529. **SHRI K. MALLANNA:** Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the price of bitumen has increased in the last six months from Rs. 970 per tonne and its future availability appears to be uncertain; and

(b) if so, the steps Government propose to take in this regard?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): (a) A statement indicating the increases in the prices of bitumen grades during the last six months is laid on the Table of the House.

There is adequate capacity in the refineries for production of bitumen to meet fully the country's requirements. The actual availability of bitumen, however, would be dependent on

the extent of import of crude oil and furnace oil.

(b) Increases in the prices of bitumen grades, as in the case of other petroleum products, have had to be made on account of increases in the price of imported crude oil. In the present context of high crude oil prices, it is not possible to consider reduction in the price of any petroleum product including bitumen.

Statement

The basic ceiling selling prices of Bitumen grades ex-Bombay during the last six months.

Rs./MT.

	As on 1-10-73	As on 3-11-73	As on 23-1-74	As on 1-3-74	As on 2-3-74
<i>Bitumen Straight Grades</i>					
(a) Bulk . . .	280.91	316.26	570.82	575.82	615.82
(b) Packed . . .	554.88	590.23	794.79	809.79	849.79
<i>Bitumen Cutbacks</i>					
(a) R.S. Grade . . .	653.79	703.27	978.57	998.57	1038.57
(b) R.C. Grade . . .	672.88	729.28	1039.07	1059.07	1099.07

Work on Kayamkulam-Ernakulam Broad Gauge Line

*531. **SHRI M. M. JOSEPH:** Will the Minister of RAILWAYS be pleased to state:

(a) whether the Railway Ministry has already surveyed the Kayamkulam-Ernakulam Broad Gauge Line (97 kms.);

(b) whether in view of importance of the line, the State Legislative Assembly at its meeting on the 22nd June, 1973 unanimously adopted a non-official resolution on the subject and it has been forwarded to Government of India, Ministry of Railways with requests to take up the work for implementation; and

(c) if so, whether Government will look into the matter afresh for implementation of the scheme immediately?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). Yes, Sir.

(c) On receipt of a copy of the resolution as passed by Legislative Assembly of Kerala, the project for construction of a broad gauge line from Kayamkulam to Ernakulam Junction was re-examined and included in the list of new lines proposed to be taken up in the 5th Plan for development of backward areas. The list was submitted to the Planning Commission with the request for allotment of additional

funds for taking up these lines. They have, however, not allotted the necessary funds so far and it has, therefore, not been possible to implement this scheme.

राजस्थान में चित्तौड़गढ़ से कोटा तक रेलवे लाइन

* 532. डा० लक्ष्मीनारायण पांडेय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या राजस्थान में चित्तौड़गढ़ से कोटा तक रेलवे लाइन के निर्माण के लिए सर्वेक्षण किया गया था तथा उसके निर्माण हेतु स्वीकृति दी गई थी; और

(ख) यदि हां, तो क्या पांचवीं पंच-वर्षीय योजना की अवधि में इस लाइन का निर्माण कार्य पूरा हो जाएगा ?

रेल मंत्री (श्री एल० एम० बिद्य) :
(क) और (ख). रेलवे बोर्ड ने 1949 में राजस्थान सरकार को चित्तौड़गढ़ से कोटा (राजस्थान) तक उस रेलवे लाइन बनाने का काम शुरू करने की मंजूरी दे दी थी जिसका अवधूत एम०एस० राजकीय रेलवे, उदयपुर ने 1947 में सर्वेक्षण किया था। चूंकि राजकीय रेलवे का पश्चिम रेलवे में विलय होने वाला था, इसलिए इस परियोजना को शुरू नहीं किया गया। विलय के बाद इस परियोजना का रिकार्ड कहीं खो गया और 1955-56 में नये सिरे से इंजीनियरी एवं यातायात सर्वेक्षण किया गया लेकिन यह प्रस्ताव अर्थ-क्षम नहीं पाया गया। संसद् सदस्यों और राज्य सरकार से अभ्यावेदन प्राप्त होने पर क्रमशः 1966 और 1969-70 में फिर सर्वेक्षण और मूल्यांकन किया गया लेकिन यह परियोजना तब भी लाभ-प्रद नहीं पायी गयी।

फिर भी, राजस्थान के मुख्य मंत्री से हाल में एक पत्र प्राप्त होने पर रतनाम से बांसवाड़ा तक प्राथमिकता के आधार पर

एक और परियोजना का सर्वेक्षण करने की स्वीकृति दी गयी है।

बीना में रेल सेवा न होने से कर्मचारियों को असुविधा

* 533. श्री ओंकार लाल बैरबा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या जयन्ती जनता एक्सप्रेस बीना नहीं रुकती; और

(ख) यदि हां, तो क्या इससे कोटा तथा आसपास के इलाकों में काम करने वाले कर्मचारियों को कीचिन तथा केरल में अपने घर जाने के लिए रेलगाड़ी पकड़ने में असुविधा नहीं होती ?

रेल मंत्रालय में उप मंत्री (श्री मुहम्मद शाफी कुरेशी) : (क) और (ख). लम्बे सफर वाले तीसरे दर्जे के यात्रियों के लिए तेज गाड़ी की व्यवस्था करने के उद्देश्य से 26 जनवरी, 1973 से नयी दिल्ली और मंगलूर/कोच्चिन के बीच एक जोड़ी जयन्ती जनता एक्सप्रेस गाड़ी चलायी गयी है। 131 डाउन गाड़ी बीना में नहीं ठहरती। 132 अप जयन्ती जनता एक्सप्रेस केवल सवारी डिब्बों में पानी भरने के लिए बीना में ठहरती है लेकिन यात्रियों को वहां उतरने या चढ़ने की अनुमति नहीं है। कोटा और निकटवर्ती क्षेत्रों में काम करने वाले कर्मचारी जो कोच्चिन और केरल जाना चाहते हैं 16 अप/15 डाउन जी०टी०/वातानुकूल एक्सप्रेस गाड़ियों से यात्रा कर सकते हैं। ये गाड़ियां बीना में उहती हैं।

Removal of Second Class from Indian Railways

* 535. KUMARI KAMLA KUMARI: Will the Minister of RAILWAYS be pleased to state:

(a) whether the second class has been abolished from all the mail and passenger trains; and

(b) if not, the reasons for the delay in abolishing the second class?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes, Sir, with effect from 1st April, 1974.

(b) Does not arise.

Recommendation of Irrigation Commission regarding Development of Irrigation Potential

*536. **SHRI VASANT SATHE:** Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the Irrigation Commission has identified the chronically drought affected areas and have recommended special measures for development of irrigation potentials of these areas and to mitigate the drought condition in these regions; and

(b) if so, the areas identified as chronically drought affected areas and the recommendations made by the Commission for eradicating drought and harnessing irrigation potential of these areas; and

(c) the action taken or proposed to be taken by Government on these recommendations during the Fifth Five Year Plan?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT): (a) and (b). The areas identified by the Irrigation Commission as drought affected are indicated in the statement laid on the Table of the House. [Placed in Library. See No. LT-6601/74].

The Irrigation Commission have recommended the following priorities for development of irrigation in drought affected areas:

- (i) Improvement of irrigation works so as to stabilise existing irrigation and to extend irrigation with available supplies;

(ii) Expenditious completion of the irrigation works which have been taken up; and

(iii) Investigation of further possibilities to increase irrigation from surface and groundwater and through inter-basin transfers of water to cater to the areas which are deficient in both sources and groundwater.

(c) Emphasis is proposed to be given in the Fifth Plan for improvement of projects already in operation. It is proposed to complete all the ongoing medium and most of the major continuing schemes in the drought areas. In taking up new schemes, priority will be given to those which benefit drought areas.

Kannada Speaking and other persons Employed in Mangalore Chemicals and Fertilisers

*537. **SHRI S. B. PATIL:** Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the number of Kannada speaking persons employed by Mangalore Chemicals and Fertilisers;

(b) how does it compare with the total persons employed; and

(c) whether Government are satisfied about employment policies pursued by Mangalore Chemicals and Fertilisers?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b). According to the information furnished by this company, there are 385 Kannada speaking persons out of a total number of 428.

(c) The personnel policy is a matter which falls within the purview of the company which is not a public sector undertaking.

West Bengal Government note on Transportation of Coal

*539. DR. RANEN SEN: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have received a note from Government of West Bengal criticising the handling of coal transportation by Railways; and

(b) if so, the reaction of Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No, Sir.

(b) Does not arise.

Votes secured by Political Parties in the last two Elections

*542. SHRI AMBESH: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state how do the number of votes secured by the Indian National Congress, Bhartiya Jan Sangh, C.P.I., C.P.M. and Bhartiya Kranti Dal in the last elections to Legislative Assemblies, separately in the States where elections have taken place recently, compare to the votes secured by each of them in the preceding election?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): A statement containing the requisite information is laid on the Table of the House. [Placed in Library. See No. LT-6602/74].

Demand and Supply position of organic and inorganic Chemicals after Oil Crisis

*543. SHRI K. S. CHAVDA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government have reviewed the demand, internal production, imports and supply position of chemicals, both organic and inorganic, after the oil crisis in the world;

(b) if so, the broad outlines thereof;

(c) how do Government propose to meet the situation after imposing heavy duty on naphtha in the internal market; and (d) whether heavy duty on petroleum products will lead to rise in prices of chemicals and if so, the price rise expected and the way Government propose to meet the situation? 1

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): (a) and (b). The import of chemicals, both organic and inorganic would be governed by the new import policy for the licensing period 1974-75 which is under formulation. The import of chemicals including those that are petroleum based, will depend on the assessment made from time to time about the essentiality and quantum of the requirement, availability in world markets and our own foreign exchange constraints.

(c) The selling price of Naphtha for uses other than fertilizer, has been reduced with effect from 26.3.74 to reduce its impact on the chemical industry.

(d) Increase in duty or a price rise, would have the effect of increasing the prices of various petroleum based chemicals. However, no accurate figures of such price increases are available.

Sea Erosion in Gujarat

*545. SHRI D. P. JADEJA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the sea erosion in Gujarat Coast is spreading to new areas and getting more and more intensified; and

(b) if so, the steps Government propose to take to fight effectively sea erosion in Gujarat coast?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT): (a) and (b). No, Sir. According to the State Government there is no serious problem of sea erosion in Gujarat. Only a few scattered places are affected and suitable protective measures have been taken.

Recruitment of Indians by National Oil Company of Iraq

5287. **SHRI CHANDRA SHEKHAR SINGH:** Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether a number of Indians were interviewed and recruited by an Iraqi National Oil Company's Recruitment Team in India during December, 1973.

(b) whether a list showing the names of the persons selected and persons going to Iraq will be laid on the Table, together with the general terms of contracts signed with individuals.

(c) whether only a maximum of 250 Dinars in Iraqi currency was offered to Indian nationals as compared to 400 to 600 Dinars offered by the Iraq Government to other nationals through UN-agencies on similar assignments in Iraq; and

(d) if so, whether Government would take up the said issue with the Iraq Government?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) Yes, Sir.

(b) A list of candidates who have been provisionally selected has been received, which is as follows:—

1. Shri M. M. A. Khan.
2. Shri K. M. Sharma
3. Shri H. K. Mahajan
4. Shri T. S. Gill
5. Dr. M. K. Indra
6. Shri R. D. Badgayan
7. Shri G. R. Singh
8. Shri V. S. Bhandari
9. Shri Sukhdev Singh
10. Shri Atma Singh
11. Dr. R. C. Fuloria
12. Shri M. S. Bhatnagar
13. Shri Braj Nandan

14. Shri P. N. Sarin
15. Shri H. M. Gulabani
16. Dr. H. C. Ganguli
17. Shri R. M. Nautiyal
18. Shri M. J. Saldahna
19. Shri M. A. Ananth
20. Shri A. Subramanyam
21. Shri B. K. Bakhshi
22. Shri H. K. Jain
23. Dr. S. Parkash.

Candidates have been informed regarding their selection. Names of the candidates accepting the offer of employment and the copies of individual contracts have not been received.

(c) and (d). Salaries offered to these candidates varies from Iraqi Dinars 176 to 286 per month. The Government is not aware of the offer of 400 to 600 Iraqi Dinars to other nationals through U.N. assistance by Iraqi Government on similar assignments.

Difference in figures regarding number of Distilleries and their capacities

5288. **SHRI JAGANNATH MISHRA:** Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government are aware of the wide difference in the figures regarding the number of distilleries and the installed capacities thereof supplied by the Director-General of Technical Development on the one hand and the All India Distilleries Association on the other brought out before the Tariff Commission during its inquiry into the prices of industrial alcohol; and

(b) if so, the facts thereof?

THE MINISTER OF STATE IN THE THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) Yes, Sir.

(b) The information supplied by the Directorate General of Technical Development is in respect of the units registered with that organisation, whereas the number of distilleries given by the All India Distillers' Association is in respect of its member units which includes those registered with Directorate General of Technical Development and others which are presumably in the Small Scale Sector and registered with State Excise authorities. The facts relating to the latter are being ascertained.

Conversion of Fertilizer Corporation of India Limited into a holding Company

5289. SHRI M. S. PURTY: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the Action Committee on Public Enterprises has recommended the conversion of the Fertiliser Corporation of India into a holding company and to group the regional plants under Autonomous Companies; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) As a part of the overall plan for re-organisation of the Fertilizer Corporation of India in a phased manner, the Committee has recommended that the ultimate role of the Corporation Board should be to operate as a holding company. The Committee has also recommended formation ultimately of regional companies for operating the various plants.

(b) Government have taken no decision in the matter.

Election to Legislative Assembly of Uttar Pradesh

5290. SHRI AMBESH: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the names of the candidates who contested Election to the Legis-

lative Assembly of Uttar Pradesh held in February 1974, constituency-wise;

(b) the number of votes polled constituency-wise;

(c) number of votes secured by each candidate, constituency-wise; and

(d) number of votes held invalid, constituency-wise?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS: (SHRI H. R. GOKHALE): (a) to (d). The information is being compiled and will be laid on the Table of the House.

Fixation of Prices of Bulk Drug Formulations

5291. SHRI K. S. CHAVDA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the cost of bulk drug is one of the factors for fixation of prices of formulations under the Drugs (Price Control) Order, 1970.

(b) whether some of the foreign firms import bulk drugs from the sources of their choice at prices which are not at all competitive.

(c) if so, how many such instances have come to the notice of Government during the last three years and the names of the concerned firms; and

(d) the manner in which Government propose to stop this malpractice and use the Price Control for the growth of Indian sector of the drugs industry?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) Yes, Sir.

(b) and (c). Only such of the bulk drugs and drug intermediates, the

imports of which have not been canalised through the State Trading Corporation are imported by the Drug and Pharmaceutical units whether Indian or foreign. The prices of imported bulk drugs depend upon the source of supply of such materials.

The following are the main instances where it was found after the import of the drugs in question was canalised that these were being imported at prices higher than the prices at which STC were able to procure them.

S. No.	Name of the firm	Drugs
1. M/s. Hoechst Pharmaceutical Ltd.		Fursemide Prenylamine Lactate
2. M/s. Abbott Laboratories		Erythromycin Stearate
3. M/s. Smith, Kline & French		Furantoin
4. M/s. Merck Sharp & Dohme		Indomethacin

(d) To ensure supply of imported bulk drugs to the actual users at reasonable prices more and more items, depending upon the value and the essentiality of the bulk drug, have been canalised.

Pending Applications for Fixation of Prices of Drugs

5292. SHRI K. S. CHAVDA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether handing over the work of Price Control to Bureau of Industrial Costs and Prices has added to the delay in approval of applications for fixation of prices of drugs under the Drugs (Price Control) Orders; and

(b) if so, steps Government propose to take to expedite grant of approvals?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b). As a body expert in costing and pricing, the Bureau of Industrial Costs & Prices will be able to deal expeditiously with the applications for fixation of prices of drugs under the Drugs (Price Control) Order.

मध्य प्रदेश के शिवपुरी जिले में सिंध नदी पर बांध का निर्माण

5293. श्रीमती बी० आर० सिधिया : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश के शिवपुरी जिले में सिंचाई प्रयोजनों हेतु सिंध नदी पर बांध बनाने के लिये प्रधान मंत्री ने शिलान्यास कब किया था;

(ख) इस परियोजना के निर्माण में अब तक कितनी प्रगति हुई है; और

(ग) इस परियोजना पर कितना परिव्यय होगा, उससे क्या परिणाम प्राप्त होंगे तथा इसके पूरा होने के समय का लक्ष्य क्या है ?

सिंचाई और विद्युत मंत्रालय में उपमन्त्री (श्री सिद्धेश्वर प्रसाद): (क) 7 जनवरी, 1972।

(ख) और (ग). 4.95 करोड़ रुपये को अनुमानित लागत को सिंध परियोजना (चरण-एक) का आयोजन 30,200 हेक्टेयर को वर्तमान सिंचाई को पक्का करने तथा 22,800 हेक्टेयर को नव-सिंचाई सुविधा देने के लिए

किया गया है। शीर्ष कार्य तथा नहर प्रणाली का निर्माण कार्य प्रगति पर है। अब तक 1.15 करोड़ रुपये व्यय हो चुके हैं। इस परियोजना के पांचवीं योजना के अन्त तक, काफी हद तक, पूर्ण होने की संभावना है।

ग्वालियर भिंड नैरो गेज लाइन को ब्रॉड गेज लाइन में बदलना

5294. श्रीमती बी० आर० सिन्धिया :
क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश के ग्वालियर क्षेत्र में मध्य रेलवे पर ग्वालियर भिंड नैरो गेज लाइन को ब्रॉड गेज लाइन में बदलने और इसे इटावा तक बढ़ाने के लिए लोगों की जोरदार मांग को पूरा करने के लिये रेलवे प्रशासन द्वारा क्या कार्य-वाही की जा रही है ;

(ख) यदि नहीं, तो क्यों; और

(ग) इस संबंध में 1969 और 1970 में रेल मंत्री द्वारा दिये गये आश्वासनों की पूर्ति हेतु रेलवे बोर्ड द्वारा अब तक क्या-क्या कार्यवाही की जा रही है ?

रेल मंत्रालय में उप मंत्री (श्री मुहम्मद शफी कुरेशी) : (क) ग्वालियर-भिंड छोटी लाइन को बड़ी लाइन में बदलने के प्रश्न पर अलामप्रद शाखा लाइन समिति द्वारा 1969 में विचार किया गया था। इस समिति ने इस शाखा लाइन के आमान परिवर्तन, या इसके विस्तार के सम्बन्ध में कोई सिफारिश नहीं की थी।

(ख) इस समय इस शाखा पर होने वाले यातायात के स्तर को देखते हुए, इसके आमान परिवर्तन का औचित्य नहीं है।

(ग) अतीत में रेल मंत्रालय द्वारा इस लाइन के आमान परिवर्तन के सम्बन्ध में कोई विशिष्ट आश्वासन नहीं दिया गया है।

उत्तर रेलवे में रेलवे प्लेटफार्मों पर बिजली लगाया जाना

5295. श्री हुकूम खन् कझबाय :
क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय उत्तर रेलवे में ऐसे कितने प्लेटफार्म हैं जहां बिजली के प्रकाश की कोई व्यवस्था नहीं है;

(ख) इस वित्तीय वर्ष में सरकार ने वहां रेलवे प्लेटफार्मों पर बिजली लगाने के लिये क्या व्यवस्था की है; और

(ग) इस संबंध में सरकार की भावी योजना क्या है ?

रेल मंत्रालय में उप मंत्री (श्री मुहम्मद शफी कुरेशी) : (क) उत्तर रेलवे के 546 स्टेशनों पर बिजली नहीं लगी हुई है।

(ख) आशा है 1974-75 में 35 स्टेशनों पर बिजली लगा दी जायेगी।

(ग) जैसे ही आस पास के क्षेत्रों में निम्न वोल्टता वाली बिजली उपलब्ध हो जायेगी, दूसरे स्टेशनों पर बिजली लगाने के बारे में विचार किया जायेगा।

1974-75 के दौरान उत्तर प्रदेश में उप-रिपुलों का निर्माण किये जाने का प्रस्ताव

5296. श्री हुकूम खन् कझबाय :
क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या 1974-75 के वित्तीय वर्ष में उत्तर प्रदेश में सरकार द्वारा कितने नये उपरि-पुलों के निर्माण किये जाने का प्रस्ताव है;

(ख) राज्य सरकार ने कितने उपरि-पुलों के निर्माण के प्रस्ताव केन्द्रीय सरकार को भेजे हैं; और

(ग) 1974-75 के वित्तीय वर्ष के दौरान सरकार द्वारा कितने पुलों और उपरि-पुलों पर धनराशि व्यय की जायेगी ?

रेल मंत्रालय के उप-मंत्री (श्री मुहम्मद शफी कुरेशी) (क) से (ग) : उत्तर प्रदेश राज्य में वर्तमान समपारों की जगह ऊपरी सड़कपुल का कोई भी काम 1974-75 के बजट में शामिल नहीं किया गया है। लेकिन वर्तमान समपारों के बदले 8 ऊपरी सड़कपुल पिछले वर्ष के बकाया निर्माण-कार्यों के रूप में 1974-75 के बजट में शामिल किये गये हैं।

ये उल्लिखित बकाया निर्माण कार्यों के अलावा ऊपरी/निचले सड़क पुलों के निर्माण के लिए राज्य सरकार की ओर से 17 और प्रस्ताव हैं। इन प्रस्तावों के सम्बन्ध में प्रारम्भिक जांच-पड़ताल और आयोजना का काम विभिन्न स्थितियों में है।

1974-75 के दौरान उत्तर प्रदेश राज्य में ऊपरी सड़क-पुलों के निर्माण पर खर्च में रेलवे का हिस्सा अनुमानतः 14.38 लाख रुपये होगा।

इसके अलावा, राज्य सरकार/सड़क प्राधिकारी की लागत पर "निक्षेप कार्यों" के रूप में रेलवे द्वारा निमित्त किये जाने वाले ऊपरी निचले पुलों के "निर्माण कार्यों" के प्रस्ताव हैं। ऐसे दो निर्माणों पर काम चल रहा है और दूसरे 9 के बारे में जांच-पड़ताल और आयोजना-कार्य विभिन्न स्थितियों में है।

पूर्व रेलवे के रेलवे प्लेटफार्मों पर बिजली लगाया जाना

5297. श्री हुकम चन्द कछबाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय पूर्व रेलवे में ऐसे कितने प्लेटफार्म हैं जहाँ बिजली के प्रकाश की कोई व्यवस्था नहीं है; और

(ख) वहाँ रेलवे प्लेटफार्मों पर बिजली लगाने के लिये इस वित्तीय वर्ष में सरकार ने क्या व्यवस्था की है ?

रेल मंत्रालय में उप-मंत्री (श्री मुहम्मद शफी कुरेशी) : (क) 246 स्टेशनों के प्लेटफार्मों पर अभी तक बिजली नहीं लगी है।

(ख) 1974-75 में 4 स्टेशनों के प्लेटफार्मों पर बिजली लग जाने की आशा है।

पश्चिम रेलवे में रेलवे के प्लेटफार्मों पर बिजली का प्रबन्ध करना

5298. श्री हुकम चन्द कछबाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय पश्चिम रेलवे में कितने ऐसे प्लेटफार्म हैं, जहाँ पर बिजली के प्रकाश की व्यवस्था नहीं है; और

(ख) वहाँ रेलवे प्लेटफार्मों पर बिजली के प्रकाश की व्यवस्था करने के लिये सरकार द्वारा चालू वित्तीय वर्ष में क्या व्यवस्था की गई है ?

रेल मंत्रालय में उप-मंत्री (श्री मुहम्मद शफी कुरेशी) : (क) पश्चिम रेलवे के 739 स्टेशनों के प्लेटफार्मों पर इस समय बिजली के प्रकाश की व्यवस्था नहीं है।

(ख) 1974-75 में 27 स्टेशनों के प्लेटफार्मों पर बिजली के प्रकाश की व्यवस्था किये जाने की आशा है।

Bansagar Dam Project

5299. SHRI RANABAHADUR SINGH: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the quantum of expenditures on Bansagar Dam project in 1974-75; and

(b) the time by which this project is expected to be completed?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). Project proposals, for the Bansagar Scheme modified in the light of the agreement reached amongst the States on sharing of the Sone Waters, are yet awaited from the Government of Madhya Pradesh.

Linking of Rewa Town with Satna

5300. SHRI RANABAHADUR SINGH: Will the Minister of RAILWAYS be pleased to state:

(a) what has been the ultimate Government decision regarding linking Rewa town to Satna;

(b) whether the survey of the Harpalpur-Chatarpur-Panna Satna-Rewa Mauganj-Haumana-Mirzapur have been completed;

(c) if so, what has been the finding thereof; and

(d) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) A Traffic Survey for a new line from Satna to Beohari via Rewa has been completed and the report is under examination. Decision regarding construction of this line will be taken after examination of the report.

(b) No.

(c) Does not arise.

(d) due to paucity of funds and lack of adequate traffic justification, it is not possible to consider this proposal at present.

Construction of Thien Dam

5301. SHRI MOHINDER SINGH GILL:
SHRI DEVINDER SINGH GARCHA:

Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether any steps are being taken to resolve the impasse between the concerned States over the construction of the Thien Dam;

(b) whether any alternate steps are being contemplated to utilise the waters flowing to Pakistan; and

(c) when a decision is likely to be taken in the context of eagerness of the Punjab Government to take up the construction in its hands and the fact that Punjab Government has also spent about a crore of rupees on surveys?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) Yes, Sir. Efforts are being continued to bring about a consensus amongst the concerned States.

(b) Except for the flood waters during the monsoons, the waters of the Ravi are being utilised in India. On completion of the Beas Dam at Pong, and with the help of the existing Madhopur Beas Link, most of the monsoon excess will also be utilized. Only about one MAF i.e. 15 per cent of the total flows of the Ravi, will go down to Pakistan during the monsoons. These will be fully utilized on the completion of the Thien Dam.

(c) The Thien Dam will be cleared as soon as a consensus is reached among the concerned States on the inter-State issues involved.

Trains suspended due to Shortage of Coal during January and February, 1974

5302. SHRI SUKHDEO PRASAD VERMA: Will the Minister of RAILWAYS be pleased to state:

(a) the number of passenger trains suspended for want of coal during the months of January and February, 1974; and

(b) the name of the Railway zone which suffered most?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). The information is being collected and will be placed on the Table of the Sabha in due course.

Derailment and Accidents during January and February, 1974

5303. SHRI SUKHDEO PRASAD VERMA: Will the Minister of RAILWAYS be pleased to state:

(a) the number of trains derailed or met with accidents in all the Railway zones during January and February, 1974; and

(b) whether Government have investigated into the causes thereof and if so, the results thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) During January and February 1974 there were 122 train accidents in the categories of collisions, derailments, level crossing accidents and fires in trains on the Indian Government Railways. Out of these accidents there were 82 cases of train derailments.

(b) Inquiries have been conducted into all these accidents. The causes of these accidents are as under:

Cause	No. of accidents
(i) Failure of railway staff	63
(ii) Failure of persons other than railway staff	21
(iii) Failure of railway equipment	18
(iv) Accidental	7
(v) Cause not yet finalised	13
TOTAL	122

Proposal to provide Drinking Water and other Facilities at Stations in Rajasthan

5304. SHRI BISHWANATH JHUNJHUNWALA:
SHRIMATI KRISHNA KUMARI:

Will the Minister of RAILWAYS be pleased to state:

(a) the number of Railway stations without sheds on their platforms in Rajasthan;

(b) the number of such stations where no arrangements exist for drinking water and where the third class passengers have no facility to sleep at night under a cover; and

(c) whether Government propose to provide these minimum facilities to the rail passengers of Rajasthan within a reasonable time and if so, the period by which these amenities will be provided?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Covered accommodation for waiting passengers, by way of waiting hall and/or cover over the platform exist at all stations in Rajasthan.

(b) Drinking water arrangements exist at all stations in Rajasthan except at a few passenger halts where it has not been provided as yet, as it is not a minimum basic amenity. The covered accommodation referred to in reply to part (a) is used by waiting passengers in the night also.

(c) Minimum basic amenities already exist at all the stations in Rajasthan. Provision of additional passenger amenities, depending on the need is undertaken on a programmed basis, in consultation with Users' Amenities Committee, subject to availability of funds. This is a continuing process.

Full utilization of the increased capacity of Cochin Refineries

5305. SHRI VAYALAR RAVI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the increased production capacity of the Cochin Refineries after the second stage expansion of the plant, which was completed in the month of August, 1973, has not been fully utilised so far;

(b) if so, the reasons therefor and the facts thereof; and

(c) the steps taken by Government to see that the production capacity of this plant is fully utilised?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Yes, Sir.

(b) and (c). The Shipping contractors M/s Triton Shipping Inc. with whom the refinery had a long term affreightment contract, suddenly and unilaterally terminated the contract in May 1973. Due to hardening of the tanker market the refinery faced difficulties in making alternative transportation arrangements. Since then suitable legal action has been initiated against this shipping contractor. In the meanwhile a contract

of affreightment has been entered into with another party which is progressively pressing into service an increasing tonnage for the transport of crude oil for the refinery. To the extent feasible spot tanker chartering is also being undertaken. With these measures, unless there are setbacks due to any other reasons, better utilisation of the planned capacity is expected to be progressively attained.

मध्य प्रदेश में सुकता नदी परियोजना की क्रियान्विति

5306. श्री गंगा चरण बीसित : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि मध्य प्रदेश की सुकता नदी परियोजना की क्रियान्विति के सम्बन्ध में जनवरी, 1974 के पश्चात कितनी प्रगति हुई है ?

सिंचाई और विद्युत मंत्रालय में उपमंत्री (श्री सिद्धेश्वर प्रसाद) : स्कीम की अब भी केन्द्रीय जल और विद्युत आयोग में तकनीकी जाच की जा रही है।

मध्य रेलवे में बैंगनों की कमी को दूर करना

5307. श्री गंगा चरण बीसित : क्या रेल मंत्री यह बताने की कृपा करेंगे कि रेलवे में विशेष रूप से मध्य रेलवे में बैंगनों की कमी को दूर करने के लिए क्या कार्यवाही की गई है ?

रेल मंत्रालय में उप मंत्री (श्री मुहम्मद शाफी कुरेशी) : भारतीय रेलों पर माल डिब्बों की ऐसी कोई कमी नहीं है : लेकिन, लदान के लिए माल डिब्बों की उपलब्धता पर, नागरिक उपद्रवों, बंदों, श्रमिकों की हड़तालों और कर्मचारियों के आन्दोलनों, कुछ क्षेत्रों में कानून और व्यवस्था की स्थिति में बिगाड़, बिजली की कटीती जिसका गाड़ी के संचालन पर बुरा प्रभाव पड़ता है, असाधारण बाढ़ों, लाइनों की टूट फूट आदि जैसे अनेक कारणों से बुरा प्रभाव

पड़ा है जिससे माल डिब्बों के कृत्रिम अभाव का वातावरण उत्पन्न हो जाता है। यदि सामान्य स्थिति बनी रहे, तो माल डिब्बों की विभिन्न मांगों को पूरा करने में रेलों को कोई कठिनाई नहीं है। फिर भी, मध्य रेलवे पर अप्रैल, 73 से फरवरी 74 के दौरान औसत दैनिक प्रारम्भिक लदान 2390 माल डिब्बे रहा जब कि 1972-73 की इसी अवधि में 2382 माल डिब्बों का लदान हुआ था।

पांचवीं योजना में विद्युत उत्पादन के लिये निर्धारित लक्ष्य

5308. श्री गंगा चरण बोसित : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में विद्युत उत्पादन के लिए पांचवीं पंचवर्षीय योजना में क्या-क्या वित्तीय और भौतिक लक्ष्य निर्धारित किये गये हैं ; और

(ख) उन लक्ष्यों की प्राप्ति के लिए क्या कार्यवाही करने का विचार है ?

सिंचाई और विद्युत मंत्रालय में उपमंत्री (श्री सिद्धेश्वर प्रसाद) : (क) पांचवीं पंचवर्षीय योजना के प्रारूप में विद्युत कार्यक्रम के अन्तर्गत देश में प्रतिष्ठापित उत्पादन क्षमता में 16.55 मिलियन कि० वा० की वृद्धि करने की परिकल्पना की गई है। पांचवीं योजना में विद्युत उत्पादन कार्यक्रम के लिए 3324 करोड़ रुपये के वित्तीय परिच्यय की व्यवस्था की गई है।

(ख) लक्ष्यों की प्राप्ति के लिए किए जा रहे मुख्य उपाय ये हैं :—

(1) लक्ष्यों की प्राप्ति और पिछली कमियों को दूर करने हेतु विद्युत

उद्योग की क्षमता में सुधार लाने की दृष्टि से इसका पुनर्गठन।

(2) प्रक्रिया में परिवर्तित जिससे धनराशि समस्त अपेक्षित निवेशों की समय पर तथा पर्याप्त उपलब्धता को सुनिश्चित किया जा सके।

(3) भिन्न-भिन्न प्रकार की प्रभावकारी अनुश्रवण प्रणालियों को प्रतिष्ठापित करना जिससे कार्य-निष्पादन पर निगरानी रखी जा सके और समय पर जहाँ आवश्यक हो सुधार किया जा सके।

मध्य प्रदेश में विद्युत उत्पादन संबंधी प्रस्ताव

5309. श्री गंगा चरण बोसित : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश सरकार द्वारा भेजे गये विद्युत उत्पादन सम्बन्धी प्रस्तावों को केन्द्रीय सरकार द्वारा अभी तक मंजूरी नहीं दी गई है ;

(ख) प्रत्येक प्रस्ताव कब से विचाराधीन है; और

(ग) सरकार ने इस सम्बन्ध में क्या कदम उठाये हैं ?

सिंचाई और विद्युत मंत्रालय में उपमंत्री (श्री सिद्धेश्वर प्रसाद) : (क) से (ग) : मध्य प्रदेश सरकार द्वारा भेजी गई विद्युत परियोजनाओं के नामों, उनकी प्राप्ति की तिथि और इस दिशा में दी गई कार्रवाई का विवरण संलग्न है।

विवरण

मध्य प्रदेश की सरकार द्वारा कार्यान्वयन के लिए प्रस्तावित विद्युत परियोजनाओं के नामों और उनकी वर्तमान स्थिति का विवरण

क्रम संख्या	स्कीम का नाम	प्राप्ति तिथि	वर्तमान स्थिति
1	कोरवा ताप केन्द्र विस्तार चरण चार	16-8-1973	केन्द्रीय जल और विद्युत आयोग में, जांच की जा रही है।
2	कोरवा पश्चिम तट ताप केन्द्र	7-8-1973	स्कीम पर विचार किया गया और उसे तकनीकी रूप से संभव पाया गया। स्कीम को योजना आयोग ने जनवरी, 1974 में सिद्धान्त रूप से स्वीकार कर लिया था।
3	बौधघाट जल-विद्युत परियोजना	6-8-1970	प्राप्त की गई परियोजना रिपोर्ट की केन्द्रीय जल और विद्युत आयोग में जांच की गई थी। पर्याप्त विस्तृत परियोजना रिपोर्ट तैयार करने के लिए राज्य द्वारा और विचार करने के लिए और स्थल अनुसंधान किए जा रहे हैं।
4	नर्मदासागर (पुनामा) बहुउद्देशीय परियोजना	26-5-1969	
5	महेश्वर जल-विद्युत परियोजना	19-5-1972	इन परियोजनाओं में नर्मदा जल सम्बन्धी मामलों से संबंधित अन्तर्राज्यीय पहलू शामिल हैं।
6	हरीनफाल जल-विद्युत परियोजना	19-5-1972	

बुरहानपुर (मध्य प्रदेश) के व्यापारियों को बुलावला अथवा खंडवा से बैगनों की सप्लाई

को सामान्यतया भुसावल अथवा खंडवा से बैगनों की सप्लाई की जाती है; और

(ख) यदि हां, तो इस के क्या कारण हैं

5310. श्री शंकर चरण दीक्षित : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

रेल मंत्रालय में उप मंत्री (श्री मुहम्मद शफी कुद्रेजी) : (क) जी नहीं।

(क) क्या बुरहानपुर (मध्य प्रदेश) से बैगनों की मांग करने वाले व्यापारियों

(ख) प्रश्न नहीं उठता।

Dislocation of Power Generation and supply in U.P. due to Shortage of Coal

5311. **SHRI M. M. JOSEPH:** Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether due to critical coal supply position in U.P. State there is an immediate danger of complete dislocation of power generation and supply;

(b) whether the Harduaganj thermal Power Station in Aligarh district with 210 MW installed capacity was likely to close down immediately due to coal shortage; and

(c) if so, the action Government propose to take in this regard?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT):

(a) Though the general level of coal stocks in the power stations in U.P. has gone down, there is no immediate danger of dislocation of power generation and supply in that State.

(b) The coal stock position at Harduaganj 'B' power station with 210 MW installed capacity has been precarious for the last 2 to 3 months. The station has, however, not had to close down on this account.

(c) Sustained efforts are being made jointly with the Department of Mines and the Ministry of Railways to maintain continuity of coal supply to the power stations:

- (i) A Standing Linkage Committee has been set up in the Department of Mines to review the monthly allocation of coal to power stations.
- (ii) A Control Room has been set up in the Ministry of Railways to review the daily supply and stocks of coal at different power stations.
- (iii) A Joint Cell has been created at Calcutta to review the loading and allotment of wagons for movement of coal to the thermal power stations.

Names of persons killed in accident near Moradabad on the 20th February, 1974

5312. **SHRI LAMBODAR BALIYAR:** Will the Minister of RAILWAYS be pleased to state the names of the passengers who died in the train accident near Moradabad on the mid-night of the 20th February, 1974?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): In the accident which took place at Kathgarh Left Bank station near Moradabad in the early hours of 21-2-1974, 42 persons were killed of whom 27 have been identified so far. Their names are given in the statement enclosed.

Statement

Names of persons who were killed in the accident at Kathgarh Left Bank station on 21st February, 1974 and have been identified.

1. Shri Tara Chand, Meerut.
2. Shri Banwari Lal, Moradabad.
3. Shri Umrao Singh, Kedarpur (Distt. Bijnor).
4. Smt. Radha Devi, Nagina.
5. Shri Mohinder Singh, Nagina.
6. Shri Chet Ram, Bareilly.
7. Km. Ram Kumari Devi, Lucknow.
8. Shri Raghunandan Tewari, Laksar.
9. Shri Mahavir Singh, Silla (Dist. Bijnor).
10. Smt. Rama Devi, Meeta Kehra (Distt. Lucknow).
11. Smt. Kamlesh, Meeta Kehra (Distt. Lucknow).
12. Shri Sheetla Bux Singh, Meeta Khera (Distt. Lucknow).
13. Shri Vinod Kumar Tyagi, Sisauna (Distt. Bijnor).
14. Shri Ram Bhagat, Alambagh, Lucknow.
15. Shri Lalji Prasad, Jagadhari.

16. Smt. Asha Rani, Jagadhari.
17. Babloo, Jagadhari (Son of Shri Lalji Prasad).
18. Shri Ram Lal, Katia (Distt. Sitapur.).
19. Shri Suraj Prasad. Kalibari Sitapur).
20. Smt. Shiv Devi, Chowki Chitwapur (Distt. Lucknow).
21. Smt. Shibbo Devi, Kalibari (Distt. Bareilly).
22. Shri Sachida Ashram, Varanasi.
23. Shri Tirath Deo, Ashram, Varanasi.
24. Shri Hari Bhagat Mishra. Lucknow..
25. Shri Itwari, Durg (M.P.).
26. Smt. Saraswati Devi, Padrialpur (Kanpur).
27. Shri Partap Narain Srivastva, Bisawana (Distt. Sultanpur).

Offer made by OPEC to hold Petroleum Prices

5313. DR. H. P. SHARMA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government are aware of the offer made by the Organisation of Petroleum Exporting countries in their meeting held at Geneva to hold the petroleum prices till April 1, 1974 and to have consultations with the oil importing countries on measures 'jointly to combat inflation';

(b) Government's reaction to the said offers; and

(c) the broad outlines of the consultations, if any held between Government of India and the OPEC representatives, individually or jointly?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) to (c). OPEC, as an organisation, and its member Governments, are considering various

multilateral as well as bilateral methods in minimising the impact of steep price increased particularly for developing and underdeveloped countries. In so far as India is concerned, with a view to softening the impact of the increase in crude oil prices, bilateral arrangements with a number of Gulf countries have been or are being entered into. OPEC's plans for multilateral action have not been finalised.

Discussion on Crude Export by Indo-Iranian Joint Committee

5314. DR. H. P. SHARMA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether at the meeting of the Indo-Iranian Joint Committee for Economic, Trade and Technical Co-operation held in January this year; the question of crude imports from Iran and of payment therefor was discussed;

(b) if so, the precise proposals made by India thereat in this regard and the outcome of the discussions thereon; and

(c) the broad outlines of the relief or concession secured from Iran in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) Yes, Sir.

(b) and (c). The information has been given in reply to unstarred question No. 58 answered in Lok Sabha on 19-2-1974 and the statement of the Minister for External Affairs in the Lok Sabha on 22-2-1974.

राजस्थान में सिंचाई तथा विद्युत परियोजनायें

5315. श्री हुकम चन्द कछवाय : क्या सिंचाई और विद्युत मंत्री यह बताते की कृपा करेंगे कि :

(क) इस समय राजस्थान में केन्द्रीय सरकार द्वारा सिंचाई तथा विद्युत की

कौन कौन सी परियोजनायें संचालित की जा रही हैं ;

(ख) इस समय राजस्थान के लिए सिंचाई तथा विद्युत की कितनी परियोजनायें केन्द्रीय सरकार के विचाराधीन हैं ;

(ग) विगत दो वर्षों में केन्द्रीय सरकार ने राज्य सरकार को कितनी आर्थिक सहायता दी है और राज्य सरकार ने इस हेतु कितनी आर्थिक सहायता मांगी थी ; और

(घ) वित्तीय वर्ष 1974-75 में राज्य सरकार को इस हेतु कुल कितनी आर्थिक सहायता देने का विचार है ?

सिंचाई और विद्युत मंत्रालय में उपमंत्री (श्री सिद्धेश्वर प्रसाद) : (क) राजस्थान में सभी सिंचाई और विद्युत परियोजनाओं का कार्यान्वयन राज्य सरकार द्वारा किया जा रहा है। राजस्थान परमाणु विद्युत संयंत्र केन्द्रीय सरकार के अन्तर्गत परमाणु विद्युत प्राधिकरण द्वारा चलाया जा रहा है।

(ख) राजस्थान सरकार द्वारा एक नई मध्यम सिंचाई परियोजना और एक नई ताप विद्युत केन्द्र स्कीम का प्रस्ताव किया गया है। इन पर विचार किया जा रहा है।

(ग) राज्य सरकार को केन्द्रीय सहायता समग्र रूप से राज्य योजना के लिए ब्याह ऋणों और अनुदानों के रूप में दी जाती है और वह किसी विशिष्ट स्कीम, स्कीमों के समूह अथवा विकास शीर्ष से सम्बन्धित नहीं होती। 1971-72 और 1972-73 के दो वर्षों में केन्द्रीय सहायता 90.03 करोड़ रुपये की थी।

इसके अतिरिक्त, राजस्थान नहर एवं व्यास परियोजनाओं पर कार्य में तेजी लाने के लिए इन दो वर्षों में 16.85 करोड़ रुपये की विशिष्ट गैर-योजना ऋण सहायता भी दी गई थी।

(घ) 1974-75 के लिए वार्षिक योजना को अभी अन्तिम रूप दिया जाना है :

Supply of Power to Jute Industry in West Bengal

5316. SHRI BISHWANATH JHUN-JHUNWALA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether due to acute shortage in supply of power, the jute industry in West Bengal is not able to produce to its full capacity and take full advantage of the spurt in demand in the foreign market;

(b) whether the State Government have despite repeated requests by the industry, failed to meet their requirement; and

(c) if so, what steps the Central Government propose to take to ensure that the jute industry in West Bengal is supplied adequate power so that they are able to produce more?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) It is true that in West Bengal restrictions are in force in respect of power supply as the power available is short of demand. These restrictions would have affected production in the jute industry.

(b) while imposing the restriction on power consumption and staggering of off-days, the West Bengal Government set up a Committee to consider representations and suggestions from the consumers affected and to make recommendations thereon. Cases of jute mills have been considered by the Committee from time to time and on its advice the permissible off-take in many cases have been raised.

(c) The Government of India have already recommended to the Government of West Bengal that high priority may be given to the export-oriented industries including the jute industry.

Naphtha Based Fertilizer Project

5317. SHRI BISHWANATH JHUNJHUNWALA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether a review of the desirability of proceeding ahead with Naphtha-based fertilizer projects which are yet to be constructed has been taken in hand;

(b) if so, the names of the projects that have been included in the proposed study;

(c) whether the Phulpur project has also been included under this; and

(d) whether the Mithapur project is being abandoned and if not, when it will go into production?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) and (b). As there is no proposal to base any new fertilizer project on naphtha as feed-stock, no review of the type referred to is envisaged.

(c) The Phulpur project envisages use of fuel oil as feedstock.

(d) The letter of intent granted to the party was last extended upto 31.12.1973. The Party informed Government that they did not, for the present, wish to proceed further with this project.

Research for a substitute for petrol

5318. SHRI BISHWANATH JHUNJHUNWALA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Methanol is a good source of energy and can be a substitute for petrol;

(b) whether some research has been made in the I.I.T., Delhi to find

a substitute for petrol and if so, the progress so far made; and

(c) whether Government propose to give assistance to Scientists who are engaged in search for alternate for petrol in the country and introduce incentive schemes drawn up in this connection?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) Yes, Sir; provided certain modifications are made in the automobile engine.

(b) and (c). The position in this regard is being ascertained and will be laid on the Table of the House.

Micro-wave Tele-Link Schemes to connect Secunderabad with Vijayawada

5319. SHRI K. KODANDA RAMI REDDY: Will the Minister of RAILWAYS be pleased to state:

(a) the progress of the scheme to connect Secunderabad and Vijayawada by micro-wave tele-link and the likely period of completion of the scheme;

(b) whether any more such schemes are in progress in Andhra Pradesh and if so, the salient features thereof;

(c) if not, whether Government propose to start any new schemes; and

(d) if so, the gist thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESH): (a) The micro-wave Radio Relay link between Secunderabad to Kazipet section has already been commissioned and the balance on Kazipet to Vijayawada section is expected to be completed by August, 1974.

(b) The following microwave schemes to serve Railway need are in progress in Andhra Pradesh:—

- (1) Kazipet—Balharshah . 240 kms.
- (2) Vijayawada—Waltair . 350 kms.
- (3) Secunderabad—Sholapur 344 kms.

(c) and (d) Do not arise.

Amount Sanctioned for the Construction of overbridges and Underways during 1972-73 and 1973-74

5320. SHRI K. KODANDA RAMI REDDY: Will the Minister of RAILWAYS be pleased to state:

(a) the amounts sanctioned, State-wise, for the construction of overbridges and underways at level crossing in 1972-73 and 1973-74;

(b) the amounts utilised by States, Statewise, in 1972-73 and 1973-74;

(c) whether many of the States have not utilised the amounts; and

(d) if so, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) (Rs. in lakh..)

(a) State	Amounts sanctioned	
	1972-73	1973-74
1. Andhra Pradesh	25.93	27.59
2. Assam	..	24.50
3. Gujarat	79.82	..
4. Rajasthan	..	37.51
5. Tamil Nadu	58.80	19.96

(b) During the year 1972-73, the State of Andhra Pradesh has utilised a sum of Rs. 16.86 lakhs and the State of Gujarat Rs. 14.53 lakhs making a total of Rs. 31.39 lakhs. As per the information available no expenditure has been booked by any State in 1973-74 so far.

(c) Yes, generally.

(d) As no drawals had taken place from the Fund till 1971, the entire procedure was streamlined and revised instructions issued to enable the States to claim re-imbursement from the fund. With the issue of these instructions it is hoped that the position will improve.

मध्य प्रदेश द्वारा कन्हार सिंचाई परियोजना के बारे में समझौता

5321. श्री रामाबतार शास्त्री : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि ।

(क) क्या गत वर्ष वाणसागर पर-योजना के सम्बन्ध में बिहार, मध्य प्रदेश तथा उत्तर प्रदेश के मुख्य मंत्रियों के बीच हुए समझौते के समय यह आश्वासन दिया गया था कि मध्य प्रदेश सरकार बिहार की कन्हार सिंचाई परियोजना के सम्बन्ध में दूसरे समझौते पर हस्ताक्षर करेगी ;

(ख) क्या मध्य प्रदेश सरकार ऐसे समझौते पर हस्ताक्षर करने से इन्कार कर रही है; और

(ग) यदि हां, तो इसके क्या कारण हैं और इसके प्रति सरकार की क्या प्रतिक्रिया है ?

सिंचाई और विद्युत मंत्रालय में उपमंत्री (श्री सिद्धेश्वर प्रसाद) : (क) से ग) वाणसागर परियोजना पर हुए विचार-विमर्श के दौरान बिहार सरकार ने अनुरोध किया था कि सोन नदी को सहायक नदी कन्हार के पानी के प्रयोग का ब्योरा भी तय किया जाना चाहिए और समझौते का एक मसवदा भी प्रस्तावित किया था । वह हाल, यह मध्य प्रदेश सरकार को स्वीकार्य नहीं था और उन्होंने बताया कि उन्होंने अभी कन्हार नदी बेसिन में अपनी आवश्यकताओं

का अध्ययन नहीं किया है और उनके अध्ययन पूरे हो जाने के बाद ही वे इस सम्बन्ध में बिहार सरकार के प्रस्तावों पर विचार कर सकते हैं। मध्य प्रदेश सरकार ने बताया है कि मध्य प्रदेश में पानी के के प्रयोग का अध्ययन किया जा रहा है। उन्होंने बिहार सरकार द्वारा उनका भेजे गए मसौदा-समझौते के संबंध में कोई नकारात्मक उत्तर नहीं दिया है।

Discrimination in benefits for O.&N.G.C. Employees Vis-a-Vis of I.O.C.

5322. SHRI CHANDRA SHEKHAR SINGH: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government are aware that the employees of Oil and Natural Gas Commission have been discriminated in all matters like pay, bonus and fringe benefits as compared to I.O.C. employees; and

(b) if so, whether Government propose to hold an enquiry into this problem?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b): The Government are aware of the General disparity existing in the pay, bonus and fringe benefits etc. between the employees of the O&NGC and the employees of I.O.C. This is so in view of the following:—

i. the two organisations are engaged in different types of work as a result the nature of work of bulk of the employees of the ONGC is quite different from that of the nature of work of bulk of the employees of the IOC. It is not possible to make a true comparison of the pay etc. payable to employees in the two organisations, particularly as the nature of duties of employees are by and large different;

ii. an agreement for revision of pay scales and fringe benefits etc. was entered in to by the ONGC management with the Unions operat-

ing in the Commission in May 1973 for the period from April 1, 1972 to March 31, 1975

iii. the bonus paid to the employees of the ONGC is at the rate of 10 per cent of pay etc., whereas it is 20 per cent in the IOC. The bonus payable in enterprises is governed by the 'Payment of Bonus Act, and it depends on the allocable surplus available in any organisation; and

iv. the financial position of the two organisations is different.

Power Shortage for Rabi areas and Sugar areas in Bihar and Uttar Pradesh

5323. SHRI BIBHUTI MISHRA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether due to shortage of power, requisite rabi areas and sugar areas in Bihar and Eastern Uttar Pradesh could not be irrigated this year from January to March, 1974;

(b) if so, the losses estimated so far in terms of rupees; and

(c) whether any scheme is proposed to be drawn up to meet power shortage?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) to (c) In case generation being low, restrictions have been imposed in Bihar on the agricultural consumers. In U.P., rural loads have been given power for 9 hours during the night and 5 1/2 hours during the day by rotation and lift pump canals having independent feeders are allowed to run 10 days in a month continuously. It is expected that there may not be any difficulty in irrigation of the rabi areas and sugar areas in Bihar and U.P. on account of power shortage. The State Electricity Boards have already been advised to follow the suggested national system of power rationing under conditions of shortage, in which the agricultural power requirements are given a high prio-

urity in the interest of food production. Measures for meeting the power shortages are also in hand whereby states like U.P. are given relief supplies from neighbouring States. The utilisation of available plant capacity is being maximised in both U.P. and Bihar and power schemes in hand are being expedited.

**Complaint against Booking Clerk,
Meerut City Station**

5324. SHRI BHARAT SINGH CHOWHAN: Will the Minister of RAILWAYS by pleased refer to the reply given to Unstarred Question No. 3364 on the 4th December, 1973 regarding complaint against Booking Clerk at Meerut City Station and State:

(a) whether the case has now been decided by the Court of Law;

(b) if so, result thereof;

(c) whether during 1973 there were several short remittance cases against the employees and mal-practices are going on unabated; and

(d) if so, whether Government propose to debar him from public dealings?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). No. The case was investigated by the Government Railway Police, Meerut City and sent upto the Court for trial. The same was, however, returned by the Court with an objection about the opinion of handwriting expert and it is now being further examined by the Government Railway Police Prosecutor.

(c) and (d). There have been a few complaints of short remittances under charges against this employees during 1973 involving petty amounts. It has, therefore, now been decided to suspend the Booking Clerk till finalisation of the court case.

**Water transportation system between
India and Bangladesh**

5325. SHRI NAWAL KISHORE SHARMA:

SHRI PRABODH CHANDRA:

Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether a meeting between the representatives of Bangladesh Government and India Government on Indo-Bangladesh joint River Commission has taken place recently;

(b) if so, the main points of the discussions and decisions arrived at the meeting with regard to the water transportation system between the two countries; and

(c) the extent to which India would be beneficiary?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT):

(a) The Seventh Meeting of the Indo-Bangladesh Joint Rivers Commission was held in Delhi from 28th February to 2nd March, 1974.

(b) The Commission did not discuss the water transportation system between the two countries.

(c) Does not arise.

**Vessels for Dredging and Clearing the
D.V.C. Canal lying idle**

5326. SHRI B. K. DASCHOWDHURY: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether some vessels for dredging and clearing the D.V.C. canal are lying idle for the last decade or so.

(b) if so, the names of those vessels, their purchase prices and the reasons for keeping these vessels idle;

(c) the number of employees who were specifically employed to work for those vessels and other related matters, who are not being given the

work properly and the total amount spent so far since the time of recruitment on their pay and allowances; and

(d) whether the Ministry has fixed any responsibility for these lapses?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). The following vessels were purchased by the Damodar Valley Corporation for dredging and clearing the canals :—

Name of vessels	Original cost
	(Rs. in lakhs)
(i) Dredger 'Rudrani' .	6.46
(ii) Tug Boat 'Kaushiki' .	1.71
(iii) Dumb barges	
Kunti	4.95
Gangur.	
Brahmani	
Behula	
Ghea	

The vessels are not kept idle but are used for desiltation as and when necessary.

(e) Twenty-two persons have been employed for the dredging unit. These include 7 persons employed on work charged basis. They are being properly utilized. A total amount of Rs. 7.77 lakhs has been spent so far on their pay and allowances.

(d) Does not arise.

राज्यों द्वारा ईंधन तथा बिजली की बचत

5327. श्री फूल चन्द वर्मा : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय सरकार ने राज्य सरकारों से ईंधन तथा बिजली की बचत करने के लिए प्रयास करने का आग्रह किया है; और

(ख) यदि हां, तो इसकी मुख्य बातें क्या हैं ?

सिंचाई और विद्युत मंत्रालय में उपमंत्री (श्री सिद्धेश्वर प्रसाद) : (क) और (ख). वर्तमान विद्युत् की कमी की स्थिति के संदर्भ में राज्यों को यह सलाह दी गई है कि वे उत्पादन-कारी उद्देश्यों के लिए बिजली बचाने की दृष्टि से वाणिज्यिक सज्जा, सजावट के लिए प्रकाश, इत्यादि जैसे अनुत्पादक प्रयोगों पर बिजली की सप्लाई पर प्रतिबंध लगाएं। ईंधन तेल की खपत के सम्बन्ध में, राज्य बिजली बोर्ड/उपक्रमों को सलाह दी गई है कि वे बायलरों पर उच्च भार को कायम रखते हुए तेल का गौण ईंधन के रूप में न्यूनतम उपयोग करें। विद्युत् उत्पादन के साथ विधायन अथवा ऊष्मा उद्देश्यों के लिए भाप के उपयोग से कुल ऊर्जा धारण पर विद्युत् उत्पादन सुविधाओं की व्यवस्था की, जहां भी संभव है, प्रोत्साहित किया जाता है।

Compensation for Land Acquired for Dubda Basin Project and Kaleghaye Embankment work in West Bengal

5328. SHRI SAMAR GUHA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether full compensations have been paid to the people of P.S. Ramnagar, West Bengal, whose lands have been acquired by Government for execution of the Dubda Basin Project;

(b) whether the people whose lands have been acquired for Kaleghaye Embankment work in Bhagvanpur P.S., West Bengal, have also been given compensation;

(c) if not, the reasons for delay in paying compensation and the amounts paid and remained outstanding;

(d) whether Government will take early steps for paying full amount of compensation to those lands which have been acquired for execution of Dubda Basin and Kaleghaye projects; and

(e) if so, the facts thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) to (e). The information is being collected and will be laid on the Table of the House.

Fall in Industrial Alcohol production for want of Molasses

5329. **SHRI GAJADHAR MAJHI:** Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether there has been considerable shortfall in the production of industrial alcohol because of non-availability of molasses; and

(b) if so, facts thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN): (a) and (b). The production of alcohol was satisfactory in 1970 and 1971 but declined in 1972 due to shortfall in the availability of molasses. In 1973 also there was some shortage of molasses.

Demolition of Huts for construction of Gumti Hydel Project in Tripura

5331. **SHRI DASARATHA DEB:** Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the huts of a large number of tribals of Raima and Sarma in Tripura were razed to the ground forcibly by the Government of Tripura in the month of December, 1973 and January, 1974 for construction of Gumti Hydel Project;

(b) if so, how many huts were demolished; and

(c) whether these tribals have been provided with either any alternative lands or compensation for the lands they lost due to the construction of Gumti Project?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR

PRASAD): (a) to (c). The requisite information is being collected and will be laid on the Table of the House.

Proposal to debar Judges from joining Private Sector firms after retirement

5332. **SHRI JYOTIRMOY BOSU:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the names, addresses and particulars of former judges of Supreme Court and High Courts who have after retirement, joined private sector firms either as Chairman of the Board of Directors or as Directors or as high executives during the last three years;

(b) the names of the firms where each of them is employed; and

(c) whether Government propose to debar them from joining private sector firms after retirement?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) and (b). There is no ban on retired Judges of the Supreme Court and High Courts accepting employment either under Government or in public sector undertakings or in the private sector. Prior permission of Government is not required to accept such employment. Government have therefore no information in the matter.

(c) At present there is no such proposal under consideration.

Non-Enrolment of Voters in Nagaland

5333. **SHRI M. KATHAMUTHU:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether he received any letter in the month of October 1973 from Voters Forum of Madras regarding non-enrolment of voters in Nagaland; and

(b) if so, the gist of the contents thereof and action taken thereon?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) and (b). Yes, Sir. The gist of the letter was a complaint regarding the non-inclusion of 3½ lacs Hindus in Nagaland in the electoral roll prepared.

The Election Commission had referred the matter to the Chief Electoral Officer of Nagaland. In reply it was stated that all possible measures had been duly taken to prepare the electoral rolls as upto date and accurate as possible in accordance with law without any discrimination or partiality to any religious section of the community as alleged.

**भारतीय विदेश नीति का तेल संकट की कड़ि-
नाइयां कम करने में योगदान**

5334. श्री श्रीकृष्ण अग्रवाल : क्या पेट्रोलियम और रसायन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत की अन्तर्राष्ट्रीय विदेश नीति अरब राष्ट्रों के पक्ष में होने के कारण विश्व तेल संकट में भारत को पश्चिमी देशों की तुलना में कम कठिनाइयों का सामना करना पड़ा है,

(ख) यदि हां, तो इस सम्बन्ध में तथ्यात्मक स्थिति क्या है; और

(ग) इस बारे में सरकार की क्या प्रतिक्रिया है ?

पेट्रोलियम और रसायन मंत्रालय में राज्य मंत्री (श्री शाहनवाज खां) : (क) से (ग). स्थितियों में बिल्कुल भिन्नता होने के कारण, तेल मूल्यों में तीव्र वृद्धि होने तथा सप्लाई में कमी से उत्पन्न होने वाली परिस्थितियों की, पश्चिमी देशों और भारत के बीच तुलना करना कठिन है। जहां तक खनिज तेल के मूल्यों का सम्बन्ध है, हमारे पास सीमित विदेशी मुद्रा होने के कारण, विश्व के देशों में भारत पर से इतना बहुत बड़ा कुप्रभाव

पड़ा है। जहां तक खनिज तेल की सप्लाई का प्रश्न है, तेल उत्पादक मित्र देशों ने खनिज तेल की सप्लाई बराबर रखी जब कि कुछ तेल उत्पादक देशों ने, पश्चिमी देशों को सम्मिलित करते हुए, अनेक देशों को तेल की सप्लाई करना कम या बन्द कर दिया है।

Achievement of Balance in crude among Asian Countries

5335. **SHRI RAGHUNANDAN LAL BHATIA:** Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether India proposed to Asian countries in a meeting held at New Delhi on 5th February, 1974 to achieve balance in crude amongst themselves; and

(b) if so, reaction of those countries to the proposal?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) This Ministry is not aware of any such proposal having been made in India.

(b) Does not arise.

Resort of Annual Power Survey in 1972-73.

5336. **SHRI CHINTAMANI PANIGRAHI:** Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the annual power survey estimates are arbitrarily slashed down by various authorities resulting in the present power shortage in the country;

(b) whether the report of annual power survey made in 1972-73 is not yet out; and

(c) if so, the steps being taken to remedy this?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT):

(a). No, Sir.

(b) and (c). The Annual Power Survey estimates are prepared on the basis of a survey, for a period of four years. A survey, commenced in 1972 for preparing the 8th Report but subsequently it was decided that these surveys could cover a period of 7-10 years. As a result, the 8th Report was not prepared and it is now proposed to issue it alongwith the 9th Annual Power Survey Report, so as to provide a long-term perspective of the power position in the country.

Shortage of Power in Andhra Pradesh

5337. SHRI B. S. MURTHY: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the total electricity available in Andhra Pradesh is far below the needs; and

(b) whether any request has been made by the State Government in this regard and if so, the steps taken by the Centre to augment the power resources?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER SHRI SIDDHESHWAR PRASAD: (a) and (b). The availability of electricity from its own generation in Andhra Pradesh is about 8.11 million units a day against the requirement of about 11.83 million units a day. Assistance from the neighbouring Orissa State (Balimela power station) and also from Kerala is being made available to Andhra Pradesh to the maximum extent possible.

The draft Fifth Five Year Plan envisages augmentation of generating capacity in Andhra Pradesh system to the extent of 1150 MW which will be adequate to cater to the growing demands in the State. Special financial assistance has been given to Andhra Pradesh for accelerating completion of some of power projects in hand.

N.C.S.T. opposed to Licensing of Naphta based Fertilizer Plants

5338. SHRI R. S. PANDEY:
SHRI M. RAM GOPAL
REDDY:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the National Committee on Science and Technology has opposed licensing of any more naphtha based fertilizer plants and has instead favoured coal based ones; and

(b) if so, Government's decision thereon?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b). The required information is being collected and will be laid on the Table of the House.

Proposal from Chemical and Fibres of India Limited for Import of D.M.T.

5339. SHRI R. S. PANDEY:
SHRI PRABODH CHANDRA:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Chemicals and Fibres of India Limited have submitted a proposal for the import of D.M.T.; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a). Yes, Sir.

(b) This proposal is under consideration of the Government.

Resumption of offshore oil drilling at allahet in Cambay Basin

5340. SHRI R. S. PANDEY:
SHRI BHAGIRATH BHAN-
WAR:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government propose to resume offshore oil drilling at Allahet

in the Cambay basin which we abandoned in 1971; and

(b) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b). The O.N.G.C. have no immediate plans to resume drilling on the 'Aliabet West' structure, where drilling was abandoned in 1973.

Alleged irregular Transfer of majority shares of North Brook Jute Company

5341. SHRI INDRAJIT GUPTA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether any investigation has been conducted into the allegations of irregular transfer of majority shares in Northbrook Jute Company by the former owners, M/s F.W. Heilgers, to one Shri R. Ganeriwalla;

(b) if so, whether Government are aware that the said transaction involves 80 per cent of the shares of the Company;

(c) whether part of the sale proceeds of the Company have been deposited abroad; and

(d) whether the L.I.C. and G.I.C. are also shareholders had any knowledge of the transaction and its modus operandi?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) and (b). Although no investigation has been conducted, it has been ascertained that 98,299 ordinary shares of North Brook Jute Company Limited have been transferred in September and October, 1973 to Shri Ram Gopal Ganeriwalla his brother's son and 2 companies in which Shri Ganeriwalla is interested. The shares transferred work to about 58 per cent of the equity capital of North Brook Jute Company Limited.

(c) No information is available.

(d) Life Insurance Corporation and G.I.C. had no knowledge of the transaction.

Railway Board's order for wagons pending with manufacturing Firms

5342. SHRI INDRAJIT GUPTA: Will the Minister of RAILWAYS be pleased to state:

(a) the exact number of wagons for which Railway Board's order is pending with M/s. Braithwaite and Co., Burn & Co. and Jessop and Co., Indian Standard Wagon Co, and Texmaco;

(b) whether the said number of wagons represents decrease in orders in terms of past averages and the capacity of these firms to supply; and

(c) if so, the reasons for such decrease?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a). The information is as under:-

Name of the firm	No of wagons in terms of four wheelers pending as on 1-3-74
M/s. Braithwaite & Co.	5830·6
M/s. Burn & Co.	3250·0
M/s. Jessop & Co.	2257·0
M/s. Indian Standard Wagon Co.	3142·0
M/s. Texmaco	7980·8

(b) No.

(c) Does not arise.

Use of Diesel Engines on Indian Railways

5343. SHRI INDRAJIT GUPTA: Will the Minister of RAILWAYS be pleased to state:

(a) the number of diesel engines at present in use on the Indian Railways;

(b) their average monthly consumption of Diesel oil;

(c) the number of steam engines required to give a haulage capacity equivalent to that of the present Diesel engine fleet; and

(d) whether there are adequate number of steam engines available in working order for this purpose?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) As on 1-2-1974, Indian Railways have a fleet of Mainline 943 Broad Gauge diesels, 371 Metre Gauge diesels, 43 Narrow Gauge diesels and 205 Broad Gauge Diesel Shunters, making a total of 1962 Nos.

(b) The average monthly consumption of diesel oil on locomotive is approximately 56000 Kilolitres.

(c) One mainline Broad Gauge and Metre Gauge diesel loco performs the duties of 2.5 steam locos, one Narrow Gauge diesel is equivalent to 2 steam locomotives and one diesel shunter to 1.25 steam locomotives. On this basis, 2614 Broad Gauge steam locos, 928 Metre Gauge steam locos and 86 Narrow Gauge steam locomotives will be required to replace the entire existing diesel fleet.

(d) No. A total of 8882 steam locos available on the Indian Railways are already deployed for Passenger, Goods and Shunting services. There are thus no surplus steam locomotives available to replace the existing diesel fleet on the Indian Railways. With a view to maximising the available steam fleet, we are planning to defer the condemnation of the existing over-aged steam locomotives. By and large, condemnation will be effected

for only those steam locos which are above 50 years on condition basis.

Irrigation Projects for Kerala in Fifth Plan

5344. SHRIMATI BHARGAVI THANKAPPAN: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the number of irrigation projects, inclusion of which in the Fifth Five Year Plan has been demanded by the Government of Kerala State but not agreed to by the Central Government; and

(b) the reasons for not approving these projects?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). The Government of Kerala have proposed six new major and two new medium irrigation schemes for inclusion in the State Fifth Plan. The Fifth Plan of Kerala has not yet been finalised. Inclusion of these schemes in the Plan would, however, depend upon their techno-economic feasibility and availability of funds.

Fourth Plan Targets for Railway Facilities in Kerala State

5345. SHRIMATI BHARGAVI THANKAPPAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether the target of Fourth Plan for the State of Kerala for Rail facilities has been fully achieved; and

(b) if not, what is the shortfall in achieving the target and the steps proposed to be taken in the matter?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Railway development is not envisaged on any state-wise or region-wise concepts, but on overall considerations in

the national interests and state-wise targets for development of rail facilities are not laid down.

(b) Does not arise.

Extension of Railway Facilities to Kerala State during First Year of Fifth Plan

5346. SHRIMATI BHARGAVI THANKAPPAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether the target of Railway facilities to be extended to Kerala State during the first year of Fifth Plan have been finalised; and

(b) if so, the broad features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Development of Railways is not planned on State-wise or region-wise basis and no separate plans are drawn up for development of railways separately in each State.

(b) Does not arise.

Reported Sale of Kerosene Oil in the Black Market

5347. SHRI RAM BHAGAT PASWAN:

SHRI RAM PRAKASH:

Will the Minister of RAILWAYS be pleased to state:

(a) whether Government's attention has been drawn to the reported sale in the blackmarket of kerosene oil

meant for use in the lamps to regulate railway traffic; and

(b) if so, the number of persons arrested and action taken against them?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No case of sale of Kerosene oil, owned by the Railways, in blackmarket has been reported.

(b) Does not arise.

राज्यों में सिंचाई की सुविधाएं

5348. डा० लक्ष्मीनारायण पांडेय :

श्री इयानसुवर महापात्र :

क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में, राज्य वार, गत तीन वर्षों के दौरान सिंचाई सुविधाओं में कितनी प्रतिशत वृद्धि हुई है; और

(ख) इसी अवधि के दौरान समूचे देश में कितनी प्रतिशत भूमि में सिंचाई की व्यवस्था थी ?

सिंचाई और विद्युत मंत्रालय में उपमंत्री (श्री सिद्धेश्वर प्रसाद) : (क) और (ख). कृषि मंत्रालय के पास उपलब्ध अद्यतन भू-उपयोग आंकड़े 1970-71 के वर्ष के लिए है। इस वर्ष तथा गत दो वर्षों में कुल बोये क्षेत्र को कुल सिंचित क्षेत्र की प्रतिशतता नीचे दी गई।

कुल बोये क्षेत्र से कुल सिंचित क्षेत्र की प्रतिशतता

राज्य	1970-71	1969-70	1968-69
1	2	3	4
आंध्र प्रदेश	31.6	31.6	29.0
असम	20.6	20.6	20.7 (मेघालय समेत)
बिहार	24.8	24.8	24.7

1	2	3	4
गुजरात	13.0	12.2	11.2
हरियाणा	45.0	43.7	46.0
हिमाचल प्रदेश	17.1	17.1	17.0
जम्मू व काश्मीर	38.1	38.9	38.8
केरल	20.5	20.2	20.4
मध्य प्रदेश	7.4	7.2	6.8
महाराष्ट्र	8.6	8.4	8.0
मणिपुर	39.9	39.9	39.9
मेघालय	19.0	19.0	उपलब्ध नहीं
कर्नाटक	12.4	12.1	13.0
नागालैण्ड	11.8	11.8	24.5
उड़ीसा	19.2	17.0	13.5
पंजाब	74.7	74.2	72.3
राजस्थान	14.7	17.0	17.9
तमिलनाडु	46.2	45.7	44.7
त्रिपुरा	6.4	5.1	5.1
उत्तर प्रदेश	36.0	34.7	33.8
पश्चिमी बंगाल	21.7	21.3	22.5
अखिल भारतीय	23.0	22.7	22.0

दिविजय (आयरन) इण्डस्ट्रीज द्वारा बांग-रोड रेलवे स्टेशन (रतलाम डिब्रीज) (पश्चिमी रेलवे) से सामान की बुकिंग

5349. डा० लक्ष्मीनारायण पांडेय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) दिविजय (आयरन) इण्डस्ट्रीज द्वारा वर्ष 1972-73 और 1973-74 के दौरान, अलग अलग रतलाम डिब्रीज (पश्चिमी रेलवे) में बांगरोड रेलवे स्टेशन में कितने समान की बुकिंग की गई ;

(ख) क्या इस स्टेशन से बुक किए गए सामानों का लदान से पूर्व तौला नहीं जाता है ;

(ग) क्या गत तीन वर्षों के दौरान रेलवे को इस कम्पनी द्वारा किए गए दावों पर भारी राशि का भुगतान करना पड़ा था; और

(घ) यदि हां, तो इस अवधि में कुल कितनी राशि का भुगतान किया गया ?

रेल मंत्रालय में उप मंत्री (श्री मुहम्मद शफी कुरेशी) : (क) बांगरोद रेलवे स्टेशन में मैसर्स दिग्विजय (आयर्न) इंडस्ट्रीज द्वारा बुक किये गये माल की मात्रा नीचे बतायी गई है :—

1972-73 1973-74		
बुक किये गये माल डिब्बों की संख्या	214	140
मात्रा	48,255	27,787
(क्विण्टॉल में)		

(ख) बांगरोद स्टेशन में माल डिब्बा भार में बुक किये गये माल को लदान से पहले ताला नहीं जाता क्योंकि उस स्टेशन पर तुला चौकी नहीं है। माल इग टिण्णणी के साथ बुक किया जाता है "भेजने वाले की ताला स्वीकृति" जिसे तुला चौकी वाले किसी मार्गवर्ती स्टेशन पर ताला जायेगा।

(ग) जी नहीं।

(घ) जहाँ तब सम्भव था, क्षेत्रीय रेल प्रशासन ने दावा रजिस्टर में जांच की है और यह ज्ञात होता है कि गत तीन वर्षों में उस कम्पनी को केवल 20,000 रुपये दावों के मुआवजे के रूप में भुगतान किया गया।

रेलवे सुरक्षा बल पर हुप्रा वार्षिक व्यय

5350. डा० लक्ष्मीनारायण पांडेय :

श्री बी० के० दास चौधरी :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि रेलवे ने रेलवे सुरक्षा बल पर गत तीन वर्षों के दौरान कितना वार्षिक व्यय किया है ?

रेल मंत्रालय में उप मंत्री (श्री मुहम्मद शफी कुरेशी) : रेलवे सुरक्षा बल पर रेलों

द्वारा किया गया कुल वार्षिक खर्च इस प्रकार रहा :—

वर्ष	कुल वार्षिक खर्च (रुपयों में)
1970-71	12,64,31,219
1971-72	13,75,00,094
1972-73	14,84,15,625

ग्वालियर रेयन्स, जावरा शूगर मिल्स और बड़ौदा शूगर मिल्स पर विलम्ब शुल्क की बकाया राशि

5351. डा० लक्ष्मीनारायण पांडेय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) ग्वालियर रेयन्स बिरलाग्राम (नागदा) मध्य प्रदेश, जावरा शूगर मिल्स, जावरा (मध्य प्रदेश) और बड़ौदा शूगर मिल्स, बड़ौदा (मध्य प्रदेश) पर वर्ष 1971-72, 1972-73 और 1973-74 में अलग-अलग वेगनों पर लिये जाने वाले विलम्ब-शुल्क की कितनी राशि बकाया है;

(ख) उक्त वर्षों के दौरान उक्त मिलां से कितनी राशि वसूल की गई; और

(ग) उक्त वर्षों में वेगनों को अधिक से अधिक कितने समय तक रोका गया था तथा उपरोक्त मिलां में से किम मिल द्वारा रोका गया था ?

रेल मंत्रालय में उपमंत्री (श्री मुहम्मद शफी कुरेशी) : (क) मध्य प्रदेश में बड़ौदा शूगर मिल्स, बड़ौदा नाम की कोई मिल नहीं है। सम्भवतः आणय दलोदा शूगर मिल्स, दलोदा से है।

इन तीनों मिलों पर विलम्ब शुल्क के रूप में उक्त तीन वर्षों की कोई रकम बकाया नहीं है, सिवाय मेसर्स ग्वालियर रैन, नागदा के, जिस पर 1973-74 का 7,616.20 रुपये बकाया है।

(ख) ऊपर दिखायी गयी रकम सबसे बाद की बकाया रकम है जिसे यथासमय वसूल किया जायेगा।

(ग) एक समय में लगाये गये माल डिब्बों के सम्बन्ध में विलम्ब की सर्वाधिक अवधि ग्वालियर रैन, नागदा की थी, जो 1971-72 में 328 घण्टे, 1972-73 में 633 घण्टे और 1973-74 में 52 घण्टे रहे।

रेलवे में अनुसूचित जाति तथा अनुसूचित जनजाति के खोमचे वाले

5352. श्री ओंकार लाल बेरबा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या रेलवे में कैप्टीन ठेकेदारों में अनुसूचित जाति तथा अनुसूचित आदिम जाति के खोमचे वालों की प्रतिशतता लगभग शून्य है; और

(ख) यदि हां, तो गत छह महीनों के दौरान नियुक्त किए गए ठेकेदारों में उनकी प्रतिशतता क्या है ?

रेल मंत्रालय में उप मंत्री (श्री सुहम्मद शाही फुरेसी) : (क) और (ख) : सूचना इकट्ठी की जा रही है और सभा-घटल पर रख दी जायेगी।

Memorandum against rising Prices by Railway Employees of North Eastern Railway

5353. SHRI PURUSHOTTAM KAKODKAR:
SHRI D. D. DESAI:

Will the Minister of RAILWAYS be pleased to state:

(a) whether any memorandum about inter alia rising prices was submitted

to him by Railway employees of North Eastern Railway in February, 1974;

(b) if so, salient features thereof; and

(c) action taken by Government thereon?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes.

(b) and (c). One of the demands contained in the memorandum is that soaring prices should be controlled, inflation restricted in order to maintain purchasing capacity of wage earners otherwise, a permanent Wage Board should immediately be established. The Third Pay Commission has recommended neutralisation of price rise ranging from 95 per cent in the case of lowest paid employee, to about 56 per cent in the case of highest paid Class III employee for every 8-point rise in the average price index for 12 months (base 1960=100). Government has improved the recommended Dearness Allowance formula so as to ensure neutralisation of price rise to the extent of 100 per cent in the case of staff drawing pay upto Rs. 300 and 75 per cent in the case of those drawing pay from Rs. 301 to Rs. 900.

Retail Price of Novalgin

5354. SHRI VASANT SATHE:
SHRI BHALJIBHAI PARMAR:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the retail price of Novalgin based on Analgin is higher than the prices of similar preparations marketed by other firms;

(b) if so, what action has been taken by Government under the Drugs (Price Control) Order 1970 for reducing the retail price of Novalgin;

(c) whether Hoechst Pharmaceuticals are being allowed to expand their capacity for Analgin formulation while similar proposal from an Indian firm was rejected earlier; and

(d) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) and (b). The present retail price of Novalgin tablets is Rs. 21.30 for 10x10 tablets strip and Rs. 193.80 for 100x10 tablets strip. Some of the manufacturers are selling the same formulation at lower prices also.

Government approved these prices after examining the price structure of Novalgin tablets.

(c) and (d). M/s. Hoechst Pharmaceuticals were allowed fuller utilization of capacity in accordance with the Government policy enunciated in the Press Note dated 1st January, 1972 issued by the Ministry of Industrial Development; this permission also covered Analgin formulation. A proposal for the bulk manufacture of Analgin received in May, 1971 from M/s. Suraj Prakash Gupta was rejected as it involved substantial outgo of foreign exchange on import of raw materials, capital goods and technical collaboration.

M/s. Hoechst proposal for manufacture of bulk Analgin is under consideration. I.D.P.L. have also applied for expansion of their capacity for Analgin, this proposal is also under consideration.

"Work-to-Rule" by All India Railway Guards' Union

5355. SHRI VASANT SATHE:
SHRI P. M. MEHTA:

Will the Minister of RAILWAYS be pleased to state:

(a) whether the All India Railway Guards' Union resorted to 'work-to-

rule' from 10th March, 1974 in support of their demands relating to revised pay scales; and

(b) if so, what is the reaction of Government thereto and the action taken in the matter?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes.

(b) The pay scales of Guards have been gone into in great detail by the Pay Commission, whose recommendations have been accepted by Government. While no basic change in the scales recommended by the Commission is possible, any anomalies connected therewith will be considered by the Sub-committee of the Departmental Council of the Joint Consultative Machinery that is being set up to examine such anomalies.

Food Articles sold at Railway Platforms

5356. SHRI MUKHTIAR SINGH MALIK:
SHRI BIRENDER SINGH RAO:

Will the Minister of RAILWAYS be pleased to state:

(a) whether food articles are sold at Railway platforms in unhygienic conditions and they are also expensive;

(b) whether Government propose to set up any committee to look into the matter; and

(c) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No. The prices of food articles sold at Railway platforms are reasonable. Frequent checks are exercised at stations at appropriate levels to ensure that unhygienic conditions do not prevail. Complaints about unhygienic conditions as and when

received are enquired into and corrective action taken.

(b) No.

(c) A Committee of Members of Parliament headed by Shri Parimal Ghosh, the then Minister of State for Railways had already examined all aspects of catering in the year 1967. No new circumstances have arisen to appoint a new Committee at this stage.

**मुजफ्फरपुर रक्सील और बगहा बरास्ता
मोतिहारी छोटी लाइन को ब्राड गेज लाइन
में बदलना**

5357. श्री विमूति मिश्र : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

क्या मुजफ्फरपुर - रक्सील और बगहा बरास्ता मोतिहारी छोटी लाइन है ;

(ख) क्या इस लाइन पर लकड़ी, पत्थर, चाक, खाद्यान्न, टिसन तथा चीनी जैसे विभिन्न भारी वस्तुओं का भारी मात्रा में परिवहन होता है ;

(ग) क्या इस लाइन के किनारे चीनी की दस मिलें हैं ;

(घ) सरकार ने इस लाइन पर क्या परिवहन भार को ध्यान में रखते हुए इसे ब्राड गेज लाइन में बदलने का निश्चय किया है ; और

(ङ) यदि हां, तो इस पर काम कब से प्रारम्भ होगा ?

रेल मंत्रालय में उप मंत्री (श्री महम्मद शफी कुरैशी) : (क) जी हां ।

(ख) प्रारम्भिक इंजीनियरिंग और यातायात सर्वेक्षण से मालूम हुआ है कि यह सही है कि उल्लिखित यातायात इस खण्ड पर होता है लेकिन इसकी मात्रा अधिक नहीं होती क्योंकि मुजफ्फरपुर-सगौली-रक्सील खण्ड पर प्रत्येक और केवल दो या तीन माल गाड़ियां हो जाती जाती हैं ।

(ग) और (घ) समस्तीपुर-मुजफ्फरपुर रक्सील खण्ड पर चीनी के 4 कारखाने हैं । सगौली, बेतिया, नरकटियागञ्ज और बाघा के बीच के खण्डों के लिए कोई सर्वेक्षण नहीं किया गया है इसलिए इस क्षेत्र में चीनी के स्थित कारखानों की संख्या तत्काल उपलब्ध नहीं है । मुजफ्फरपुर रक्सील खण्ड से सम्बन्धित सर्वेक्षण रिपोर्ट पर विचार किया जा रहा है और विचार किए जाने के बाद कोई निश्चय किया जायेगा ।

(ङ) प्रश्न नहीं उठता ।

Working of the Drugs (Price Control) Order, 1970 after Oil Crisis

5358. SHRI K. S. CHAVDA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether any assessment has been made of the working of the Drugs (Price Control) Order, 1970, after the oil crisis in the world;

(b) if so, what are the conclusions of Government;

(c) in view of the non-availability of raw materials for drugs in the international market due to oil crisis, will Government impose voluntary price control on drugs for Indian sector of the drugs industry; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) to (d3). Due to increase in the prices of petroleum in the world, the prices of various raw materials for drugs have increased. The Drugs (Prices Control) Order, 1970 makes provision for the drug manufacturing companies to apply for revision of prices. The availability of raw materials for drugs in the international market has so far not been unsatisfactory except in few cases such as Vitamin B2 and Vitamin B6.

Manufacture and Supply of Niacynamide

5359. SHRI K. S. CHAVDA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) what is the present supply position of Niacynamide and its prices in the internal and international market during the last three years, comparatively;

(b) whether semi-basic raw materials required for the manufacture of Niacynamide are still imported and M/s. Warner Hindustan have been given a near monopoly in this item; and

(c) how many Indian firms have applied for the manufacture of Niacynamide; the broad features of their proposals, their present position and the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Except for West Bengal, no other State has reported shortage of Niacynamide. The price of indigenous product ranged between Rs. 120 and Rs. 250 per kg. during the last three years as per prices notified to the Government by the manufacturers. There were no imports of this item during 1970-71. The average approximate import price (CIF) per kg. of Niacynamide during 1971-72 and 1972-73 was Rs. 49 and Rs. 45 respectively.

(b) The main intermediates from which Niacynamide is manufactured are Beta-Picolines and 3-Cyanopyridine. Existing units in the country are producing Niacynamide from Beta-Picoline which is being produced by M/s. Warner Hindustan Ltd. As, the indigenous production of Beta-Picoline is not adequate, balance quantities are imported through S.T.C.

(c) A statement is attached.

Statement

S. No.	Name of the party	Qty. applied for (tonnes)	Present position
1.	Suneeta Laboratories	72	Letter of intent under issue.
2.	Dr. K. A. Reddy	20	Under consideration.
3.	I. D. P. L.	300	Letter of intent under issue.
4.	H. C. Shah & Associates	100	Under consideration.
5.	Dev. Corporation of Konkam	600	Under consideration.
6.	CIPLA	24	Licence under issue.

Financial Assistance for Irrigation Schemes in Maharashtra

5360. SHRI SHANKERRAO SAVANT: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) what types of irrigation schemes are taken up and assisted by the Centre wholly from its own funds; and

(b) which irrigation schemes in Maharashtra are financed exclusively by the Centre and given financial assistance, giving in each case the nature and extent of financial assistance from the Centre?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) Irrigation is a State

subject and irrigation projects are implemented by the State Governments from their own resources within the framework of their developmental plans. However, there is Central assistance for the State Plans but it is in the form of block loans and grants, not related to any individual scheme, group of schemes or head of development.

(b) Does not arise.

Consumption of Petrol and other Petroleum Products in 1973-74

5361. SHRI SHANKERRAO SAVANT: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state what was the actual consumption of (i) Petrol, (ii) Diesel oil, (iii) Kerosene oil, (iv) Furnace oil and (v) Cooking Gases in the months of September, October, November and December, 1973 and January and February, 1974?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): The information is being collected and will be laid on the Table of the House, in due course.

Construction of Power Projects in Gujarat in Fifth Plan

5362. SHRI D. P. JADEJA:
SHRI ARVIND M. PATEL:

Will the Minister of IRRIGATION AND POWER be pleased to state the number and particulars of Power Projects in Gujarat which are proposed to be constructed during the Fifth Five Year Plan?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): The draft 5th Five Year Plan envisages construction of the

following projects for benefits during the Plan period:

S. No.	Name of Scheme	Capacity
1.	Ukai Hydel Project	300 MW
2.	Ukai Thermal Project	240 MW
3.	Ukai Thermal Extension Project.	200 MW
4.	Gandhinagar Thermal Project	240 MW

Construction of Kadana Dam on Rajasthan-Gujarat Border

5363. SHRI D. P. JADEJA:
SHRI ARVIND M. PATEL:

Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the latest position in regard to the construction of Kadana Dam in Rajasthan-Gujarat Border;

(b) whether any agreement has been reached between the two State Governments; and

(c) if so, the main features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) The work on the Kadana dam is in an advanced stage 74.5 per cent of the earthwork in dam embankment and 42.6 per cent of the dam masonry has been completed. The dam is expected to be completed by June 1976.

(b) and (c). The Kadana Dam is being built by the Government of Gujarat in the terms of an agreement entered into with the Government of Rajasthan in January, 1966. According to this agreement, the dam will be built to FRL 419. The entire cost and benefits of this project will be borne by Gujarat. At a later date when Mahi areas are irrigated from the Narmada, and part of Kadana

waters are released for use in Rajasthan, Rajasthan would pay to Gujarat an appropriate cost of the dam for such use. The exact proportions will be fixed at the time when such releases become available.

Petrol Dealerships given to Unemployed Graduates and Engineers in Gujarat

5364. SHRI ARVIND M. PATEL:
SHRI D. P. JADEJA:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the number of unemployed graduates/engineers in Gujarat who have been given the dealership in Petrol by Public Sector Undertakings during the last two years;

(b) the number of applications pending with Government; and

(c) when the decision is likely to be taken on these applications?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Only three Unemployed Engineers of Gujarat State were allotted IOC's dealerships during 1972. No Unemployed Engineers/Graduates were given IOC's dealerships during 1973, basically because effective from December-end 1971, agencies have been preferentially awarded to war victims.

(b) Applications are received directly by IOC.

(c) Does not arise.

Generation of Power in 1974-75

5365. SHRI D. D. DESAI:
SHRI P. GANGA DEB:

Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether 80 per cent of the present power shortfall would be met by 1974-75;

(b) whether 2,500 MW to 3,000 MW of additional power would be generated from April this year;

(c) whether power projects slipping back from the scheduled date of commissioning will be commissioned well in time; and

(d) if so, whether sufficient funds have been provided to complete the power projects?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT): (a) to (d). Out of the shortfall in the power generation target of the 4th Plan, about 2 million KW of generating capacity representing about 45 per cent of the shortfall, is expected to be commissioned in 1974-75. Efforts are being made to prevent any further slippages in the scheduled dates of commissioning. It is expected that with all the inputs, including funds, scarce construction materials and plant and equipment being made available in time, there will be no further slippage.

Deployment of Digital Seismic Instrument by ONGC for Locating Oil-Bearing structures in Gujarat

5366. SHRI D. D. DESAI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Oil and Natural Gas Commission has deployed digital seismic instrument in February, 1974 for the first time for locating oil-bearing structures in Gujarat;

(b) if so, whether the Commission is also adopting new techniques of deep drilling for search of oil;

(c) the total number of wells developed by the Oil and Natural Gas Commission so far in Gujarat; and

(d) the salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a). Yes, Sir.

(b) There have been no fundamental changes in the drilling techniques which essentially remain the same. In order to improve drilling efficiency, various steps including provision of better drilling rigs, mud pumps and other equipment, are however being taken.

(c) and (d). A total of 821 wells have been drilled by the ONGC in Gujarat, so far. Of these 495 wells have been established as oil/gas bearing (425 oil bearing and 70 gas bearing). The current rate of production from Gujarat is about 3.65 million tonnes of oil per year.

Testing of Petro-Proteins from Gujarat Refinery

5367. SHRI D. D. DESAI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether samples of the Petro-proteins from the Gujarat Refinery were sent to the Central Food and Technological Research Institute in Karnataka for tests;

(b) if so, results of the tests; and

(c) whether such proteins would be marketed in India and if so, the broad outlines thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) Yes, Sir.

(b) The Central Food and Technological Research Institute tested the product for rat feeding trials and reported that the product raised the growth of animals satisfactorily. The Protein efficiency ratio (PER) of the product needed improvement, to correspond to petro-protein samples prepared in other countries. The PER could be improved satisfactorily by adding some essential amino acids to the petro-protein concentrates.

(c) It is hoped that in due course the product will be marketed in India for animal feeding, particularly to

cattle to increase milk yield, for poultry feeding, etc. Attempts are being made to take up animal feeding trials on wide scale in collaboration with dairy, veterinary and other organisations. The use of the product as human feed needs more studies on acceptability and possible toxicity, although no evidence of toxicity has been found.

Production of Benzene and Toluene at Ankleshvar

5368. SHRI D. D. DESAI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Ankleshvar crude in South Gujarat is considered to be among the best in the world;

(b) if so, whether it provides an ideal base for getting solvents like benzene and toluene;

(c) whether priority is being accorded to maximise production of Ankleshvar crude in order to increase production of benzene and toluene; and

(d) if so, salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) On account of its high API gravity, low sulphur content and high yield of naphtha, kerosene and diesel oil, Ankleshvar crude oil can be considered to be among the best in the world.

(b) The Naptha from Ankleshvar crude oil can be processed to yield benzene and toluene in substantial quantities. The Koyali refinery has the necessary facilities for the production of 33,000 tonnes of benzene and 14,000 tonnes per year of toluene as designed.

(c) and (d). Production of crude oil from the Ankleshwar field is already at its maximum capacity.

Construction of Multi-purpose Dam and Hydel Project on River Kosi

5369. SHRI BHOGENDRA JHA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether in view of acute power shortage, silting of Kosi canal and overflowing of areas within embankments, it is proposed to examine the feasibility of constructing a Multi-purpose Dam and Hydel Project on river Kosi near Barahkshetra and approach the Government of Nepal for the same; and

(b) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). The Technical Committee appointed by the Govt. of India to go into the question of siltation of the Eastern Kosi Canal has, in its report of December, 1973, while recommending the various remedial measures for the silt problem of the canal, also suggested that high dam for silt storage in the upper reaches of the Kosi river may be investigated and has further stated that for any such high dam, the life of the dam, the regime of the river between the dam and the Kosi Barrage, and between the flood embankment upstream and down-stream of the barrage would have to be carefully considered. The report of the Committee has been forwarded to the Government of Bihar for necessary action.

Assistance to Bihar by R.E.C.

5370. SHRI BHOGENDRA JHA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the Union Government has stopped further grants to Bihar under the Rural Electrification Programme;

(b) if so, the reasons therefor; and

(c) the total allocations made and utilised by Bihar during the last three years?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT):

(a) and (b). Grants are not given for the Rural Electrification Programme. The Rural Electrification Corporation provides loan assistance, in addition to funds provided in the State plan. The Rural Electrification Corporation has not stopped providing loans to Bihar

(c) The details of loan sanctioned by Rural Electrification Corporation and the amount disbursed to the Bihar State Electricity Board during the last three years are given below:—

Year	Sanctioned by R.E.C.	Disbursed to State Electricity Board
(Rupees in lakhs.)		
1971-72 .	618.45	379.19
1972-73 .	809.51	404.74
1973-74 .	772.02	305.40

Per Capita Availability and Consumption of Power in Bihar

5371. SHRI BHOGENDRA JHA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the latest per capita availability and consumption of power for the whole country, for North Bihar and the rest of Bihar respectively; and

(b) what special efforts are being made to bring North Bihar to the level of the rest of Bihar and Bihar as a whole to the All India level?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER SHRI SIDDHESHWAR PRASAD): (a) and (b). The latest

figures for annual per capita consumption of electrical energy are—

All India	94	
North Bihar	110	Approximate
Rest of Bihar	104	ma.c.

Per capita availability of power depends on generating capacity plus possible import over interconnections and cannot be precisely given.

Increase in per capita consumption of electricity requires increase in the use of electricity for industry and agriculture as well as increase in the power availability. Power generation projects aggregating an installed capacity of 465 MW are continuing from the Fourth Plan and further schemes aggregating 530 MW are being taken up in the Fifth Plan in Bihar. Out of this about 225 MW will be added in North Bihar itself. Power availability in North Bihar however, is expected to be stepped up to meet the requirements fully by providing additional interconnections between South and North Bihar.

Recommendations of Miabhoj Tribunal

5372. SHRI RAJDEO SINGH:

Will the Minister of RAILWAYS be pleased to state:

(a) whether the recommendations of Miabhoj Tribunal for 96, 84 and 60 hours duty in 14 days have been accepted;

(b) if so, the reasons why it has not been implemented and the time by which it is to be implemented;

(c) whether it has been implemented or is in course of implementation for Locomen and Guards; and

(d) if so, why the other categories who have peacefully represented have been left out?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) The recommendations of Miabhoj Tribunal regarding hours of work of Railway employees are under Government's consideration.

(b) ^{to} and (d): Do not arise.

Promotion course for ASM₂ (Gr. Rs. 205—280) to Station Masters' Grade (Northern Railway)

5373. SHRI RAJDEO SINGH:

Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 4310 on the 11th November, 1973 regarding promotion course for Assistant Station Masters grade (Rs. 205—280) to Station Masters grade (Rs. 205—280) and combined seniority list and state:

(a) whether there is no such promotion course from Assistant Station Master grade Rs. 205—280 in other Railways except Northern Railway.

(b) whether the Railway Board is considering to withdraw the course to bring uniformity on all Indian Railways; and

(c) the reasons for implementation of this course?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Promotion course for Assistant Station Masters in scale Rs. 205—280 for posting as Station Master in the same grade has been prescribed by Northern and Southern Railways.

(b) and (c). The channels of promotion of non-gazetted staff are prescribed by Railway Administrations according to local requirements. Therefore, practice differs from Railway to Railway. There is no proposal to bring about uniformity in this regard.

Project for laying oil pipeline from Mathura to Jullunder

5374. SHRI P. GANGADEB;
SHRI SHRIKISHAN MODI:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government are preparing a project for laying an oil pipeline from Mathura to Jullunder; and

(b) if so, whether this is going to increase the storage capacity of oil depots in Punjab?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) and (b). Indian Oil Corporation are preparing a feasibility report for a petroleum product pipeline from Mathura to Ambala and on to Jullunder to move the products from the Mathura Refinery to the north western region. Tankage for receiving and storing of products at convenient consuming points along the pipeline route will also be planned and this will automatically result in augmenting the oil storage capacity in Punjab.

उद्योगों व काम आने वाली स्प्रिट के लिये मध्य प्रदेश सरकार की मांग

5375. श्री फूलचन्द वर्मा : क्या पेट्रोलियम और रसायन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश सरकार ने केन्द्रीय सरकार से उद्योगों में काम आने वाली और अधिक स्प्रिट की मांग की है; और

(ख) यदि हां तो कितनी तथा तत्सम्बन्धी तथ्य क्या है ?

पेट्रोलियम और रसायन मंत्रालय में राज्य मंत्री (श्री शाहनवाज खां): (क) और (ख). मध्य प्रदेश सरकार ने दो लाख लीटर स्प्रिट के आवंटन हेतु पुनः वैधीकरण हेतु निवेदन किया

है। जो शर्करा उत्पादन काल 1972-73 के लिए बिहार राज्य से उन्हें दिया गया है। यदि पुनः वैधीकरण हेतु स्वीकृति देना सम्भव नहीं हो तो बिहार उ० प्र० अथवा महाराष्ट्र से नये रूप में आवंटन किया जाये। चूँकि चालू वर्ष के दौरान एलकोहल का अनुमानित उत्पादन अनुमानित मांग की अपेक्षा कम रहा अतः राज्य सरकार की मांग को पूर्णरूप में स्वीकृत करना सम्भव नहीं होगा। तथापि हरियाणा से मध्य प्रदेश को 1 लाख लीटर एलकोहल का आवंटन किया गया है।

पांचवीं योजना के दूसरे वर्ष में बिजली की कमी

5376. श्री फूलचन्द वर्मा : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को इस बात की आशा है कि पांचवीं योजना के दूसरे वर्ष में पूरे देश के अन्दर बिजली की कमी समाप्त हो जाएगी; और

(ख) यदि हाँ तो इस बारे में क्या कार्यक्रम अपनाए गए हैं। ?

सिंचाई और विद्युत मंत्री (श्री कृष्ण चन्द्र पन्त) (क) (ख) : पांचवीं पंचवर्षीय योजना में योजना अवधि के दौरान 16.55 मिलियन किलोवाट का प्रचालन करना परिकल्पित है। आशा है कि योजना अवधि के प्रथम दो वर्षों में लगभग 4.9 मिलियन किलोवाट उत्पादन क्षमता चालू हो जाएगी। इस आवाधत उत्पादन क्षमता से विद्युत् संकट काफी हद तक कम हो जाएगा परन्तु योजना के दूसरे वर्ष तक सारे देश में यह कमी दूर नहीं होगी क्योंकि भार भी बढ़ते जाएंगे। पांचवीं पंचवर्षीय योजना के मसीवे में इस दिशा में एक कार्यक्रम का प्रस्ताव है जिसमें 16.55 मिलियन किलोवाट की उत्पादन क्षमता और 15000 सक्रिय किलोमीटर से अधिक ई एच वी परि-

क्षण लाइनों के योग के लिए बिद्युत् क्षेत्र में 6190 करोड़ रुपये का एक परिव्यय शामिल है। इस कार्यक्रम की पूर्ति और ताप संयंत्रों के प्रचालन में सुधार की इस प्रकार अपेक्षित किया गया है कि बिद्युत् की मांग पूरी की जा सके।

Inconvenience Suffered by Passengers of Ahmedabad-Botad Train and Other Trains

5377. SHRI P. G. MAVALANKAR:
Will the Minister of RAILWAYS be pleased to state:

(a) whether Government are aware that the passengers and daily commuters travelling by the Ahmedabad-Botad train and other similar trains on the same route are inconvenienced and harassed due to late running of the trains and the indiscriminate interrogations and even arrests by the Railway staff and police; and

(b) if so, the steps being taken by Government to remedy and improve the situation?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) The running of trains on Ahmedabad-Botad section has been affected by frequent alarm chain pullings and during February due to public agitations in Gujarat. Some interrogations were conducted by the Police at Gandhigram on the complaint of some passengers regarding late running of a train due to alarm chain pulling. No arrests were made.

(b) In all cases of avoidable detentions, staff at fault are taken up and remedial steps are taken for improving performance of trains.

Overcrowding in Fast and Express Trains running between Ahmedabad and Bombay

5378. SHRI P. G. MAVALANKAR:
Will the Minister of RAILWAYS be pleased to state:

(a) whether Government are aware that there is overcrowding in the fast

and express trains running daily between Ahmedabad and Bombay;

(b) if so, whether Government are considering any proposal to add more coaches to some of the said trains or to operate an additional train;

(c) if so, the main features thereof; and

(d) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Overcrowding on some of the trains on certain sections has been noticed on trains running between Ahmedabad and Bombay.

(b) to (d). Attaching of additional coaches to these trains is at present operationally not feasible for want of room on these trains for an extra coach. Running of additional trains between Bombay and Ahmedabad is also operationally not feasible at this stage due to saturated line capacity on certain sections enroute and due to inadequate terminal facilities at Bombay.

Deteriorating Catering Facilities on Western Railway

5379. SHRI P. G. MAVALANKAR:
Will the Minister of RAILWAYS be pleased to state:

(a) whether Government are aware that catering facilities on many trains on the Western Railway have been deteriorating of late; and

(b) if so, the steps Government propose to take or are taking to improve the situation?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). The catering service on the trains on the Western Railway have been generally satisfactory.

The following are some of the measures taken to ensure further improvement in the standard of service:—

- (i) Gradual replacement of the conventional dining car service on important long distance trains by picking up 'Ready to Serve' food prepared in modernised kitchens set up at different points en-route enabling better quality of food to be served to passengers prepared under more hygienic conditions.
- (ii) Introduction of low-priced packed meals to cater to requirements of bulk of passengers.
- (iii) Adoption of modern culinary techniques and appliances at various departmental units, such as provision of hot cases, insulated trolleys, iddli grinding equipment, refrigerators, sterilizers, washing machines etc.
- (iv) More emphasis on training of staff employed in departmental catering establishments.
- (v) Thorough investigation into all complaints followed by adequate preventive and punitive action against erring staff as well as contractors.

Views of World Bank Team on Fertiliser Production

5380. SHRI D. K. PANDA:
SHRI K. M. MADHUKAR:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether World Bank team had given some advice regarding fertilizer production during their recent visit to India;

(b) if so, the main features thereof;

(c) whether World Bank experts and Indian experts differ on way or base for the fertiliser production; and

(d) if so, what is Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) to (d). According to procedures of finance followed by the World Bank each project posed for World Bank assistance is appraised in detail and there are consultations between experts of the World Bank and the experts of the Government of India in the particular field concerned. In the course of these discussions a broad consensus is reached before the project is finally accepted by the World Bank for financing. This is a continuing process which goes on from project to project.

Site for Bhimkund Dam

5381. SHRI ARJUN SETHI: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether Government have received the report of Bhimkund Dam (Orissa);

(b) if not, whether the final decision about site for the abovementioned Dam has been taken; and

(c) if not, the impediments coming in the way?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) to (c). The State Government of Orissa have stated that they have received the report of the Central Team on the sites for the Bhimkund Dam and that they have taken a decision on the site. The Centre has not yet been informed about the site selected.

Design Discharge of Anandpur Barrage Project in Orissa

5332. SHRI ARJUN SETHI: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the final decision on Design discharge of Anandpur Barrage Project, Keonjhar District (Orissa) has been taken; and

(b) if so, when the execution of the said project will be taken up?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) Yes, Sir. It has been decided to design the barrage for a discharge of 6.75 lakh cusecs, and to provide the freeboard and protection works for a flood of 9 lakh cusecs.

(b) The construction of the project has already been approved by the Planning Commission. An outlay of Rs. 29 lakhs is anticipated to be utilised by the end of 1973-74. An outlay of Rs. 1 crore is contemplated during 1974-75.

Electrification of Kendrapara Railway Station

5383. SHRI ARJUN SETHI: Will the Minister of RAILWAYS be pleased to state:

(a) whether the proposed electrification of Kendrapara Railway Station, South Eastern Railway, has since been completed; and

(b) if not, the reasons therefor and the time by which it would be completed?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). Electrification of Kendrapara Station which was accepted in 1973-74, is expected to be completed during 1974-75.

Trains cancelled in Assam due to coal shortage

5384. SHRI NIHAR LASKAR:
SHRI TARUN GOGOI:

Will the Minister of RAILWAYS be pleased to state:

(a) whether a serious situation has arisen in the State of Assam due to the cancellation of trains specially those carrying goods and essential commodities for want of coal supply to the Railways;

(b) whether some trains bound for Assam and carrying groundnut oil could not leave Gujarat State due to the agitation in that State; and

(c) if so, steps taken to improve the situation?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No.

(b) Wagons containing groundnut oil suffered detention for police investigation in connection with suspected theft from one of the wagons. Some wagons were also detained at Surendranagar and Navnirman Samiti of Surendranagar objected to their despatch and these wagons were subsequently despatched after getting clearance from the Collector of Surendranagar on verification of their booking under proper permits.

(c) Does not arise.

Laying of railway lines in Assam during Fifth Five Year Plan

5385. SHRI NIHAR LASKAR:
SHRI TARUN GOGOI:

Will the Minister of RAILWAYS be pleased to state:

(a) how many new railway lines will be taken up during the Fifth Five Year Plan in Assam;

(b) whether the funds allotted for the construction of new Railway lines in the State are not sufficient;

(c) whether the State Government had asked for more funds; and

(d) what are the new lines that will be taken up in the first year of the Fifth Five Year Plan in that State?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (d). Surveys have been carried out or are in progress for the following lines falling wholly or partly in the State of Assam:

- (i) Metre gauge link from Tezpur to Bhomraguri;
- (ii) Conversion of the metre gauge line from New Bongaigaon to Gauhati into broad gauge;
- (iii) Silchar-Jiribam metre gauge rail link. Surveys are also proposed to be taken up for the following lines at the cost of the North-Eastern Council which are falling partly or wholly in the State of Assam:
 - (i) Jogighopa-Pancharatna-Dudnai-Darangin (BG)
 - (ii) Gauhati-Burnihat (MG or BG).
 - (iii) Balipara-Bhalukpong new line.
 - (iv) Tipling-Itanagar new line.

It is proposed to take up gauge conversion of New Bongaigaon-Gauhati section from metre gauge to broad gauge during 1974-75. A final decision about other lines to be constructed in the Fifth Plan will be taken after the surveys mentioned above are completed.

Only Rs. 100 crores have been allotted for construction of new railway lines all over the country in the 5th Plan which is very small when compared with the total cost of all the lines for which there have been persistent demands from the State Governments.

Fixation of price for sulphuric acid on uniform basis

5386. SHRI NIHAR LASKAR:
SHRI R. V. SWAMINATHAN:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government have been urged by Acid and Chemical Manufacturers Association for uniform price of sulphuric acid all over the country;

(b) whether Hindustan Organic and Chemicals, Bombay and the Fertilizer Corporation of India, Bombay had priced the acid at around Rs. 250 per tonne whereas the manufacturers in Calcutta priced it at Rs. 474;

(c) if so, the facts thereof; and

(d) steps being taken to fix a uniform price for acid?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Some representations have been received in this regard.

(b) to (d). The information is being collected and will be laid on the Table of the House.

Memoranda submitted on the by-election to Gaighata in West Bengal

5387. SHRI SAMAR GUHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether memoranda have been submitted to the President of India and Chief Election Commissioner regarding terroristic measures adopted to rig Gaighata by-election held in West Bengal on the 24th February, 1974;

(b) whether two positive documents have been enclosed with the memoranda to justify the complaints of rigging there;

(c) if so, reaction of Government thereto;

(d) whether an inquiry will be instituted to verify the complaints made;

(e) whether the whole atmosphere of Gaighata by-election was charged with terror and tension, and as such, re-polling in eleven booths failed to ensure free and fair election there;

(f) whether re-polling was held in booth Nos. 50, 53, 80 and 90 where according to the documents submitted, election was rigged; and

(g) whether, in view of such complaints from other constituencies of West Bengal and other parts of the country, a Judicial Inquiry will be instituted to ensure free and fair election in West Bengal and other parts of the country?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) Two memoranda, one from Shri Prafulla Chandra Sen and another from Shri Samar Guha, M.P. were received by the President.

(b) Shri Samar Guha has enclosed copies of two documents viz., (i) statement of certain Polling Officers and (ii) English translation of letter addressed by political agents of certain candidates to the Returning Officer.

(c) and (d). The Election Commission has directed the Chief Electoral Officer of the State of West Bengal to conduct a thorough enquiry into the matter and report the result of the enquiry to the Commission. The report is awaited.

(e) The first part of the Question is a matter of opinion and the second part is an allegation based on such opinion.

(f) Of the four booths referred to, re-polling was held in booth No. 53.

(g) In the country as a whole, there are more than 3,500 Assembly constituencies, which would give a

fairly comparative idea about the total number of booths all over the country. An allegation made in respect of certain stray incidents in a few booths cannot be a justification for the institution of a judicial enquiry, since under the Constitution Election Commission is the authority for ensuring free and fair elections throughout the country.

Utilization of full capacity of salt production in coastal belt of Contai adjacent to Haldia

5388. SHRI SAMAR GUHA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to refer to the reply given to Unstarred Question No. 1993 on the 5th March, 1974 regarding Progress on construction of Refinery, Fertilizer and other plants at Haldia and state:

(a) whether the Central Government will take initiative to ask the Government of West Bengal or take measures themselves for utilization of salt production in the coastal belt of Contai of West Bengal, which is adjacent to Haldia;

(b) if so, facts about the measures proposed thereabout;

(c) whether Soda Ash plant at Haldia will provide scope for expansion of other Petro-chemical production projects either in public or private sector there;

(d) whether Government received applications for setting up of such private Petro-chemical ancillary concerns at Haldia;

(e) if so, facts thereabout; and

(f) the reaction of Government thereto?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): (a) No such proposal is under consideration of Ministry of Industrial Development who are concerned with salt. The availability of

salt in this area is hardly adequate to meet the requirements of the proposed soda ash and caustic soda plants at Haldia.

- (b) Does not arise.
- (c) No, Sir.
- (d) to (f). Do not rise.

Supply of coal to D.V.C. Thermal Plants

5389. SHRI E. V. VIKHE PATIL: Will the Minister of RAILWAYS be pleased to state;

(a) whether the Railways have been moving the required quantity of coal to Damodar Valley Corporation Thermal plants regularly; and

(b) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes.

(b) Does not arise.

Issue of orders for waiving off under-charges on parcel of newspapers

5390. SHRI PANNA LAL BARU-PAL:
SHRI ONKARLAL BERWA:

Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 3363 on the 4th December, 1973 regarding representation from All India Railway Commercial Clerks' Association and state:

(a) the salient features of the representation from All India Railway Commercial Clerks' Association and decision of Government thereon;

(b) whether the orders to waive off the under-charges have been issued so far?

(c) if so, the broad outlines of the orders issued; and

(d) if not, the reasons for the delay and the time likely to be taken by Government to issue the orders?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (d). The main point raised in the representation was regarding waiver of undercharges on newspaper parcels which were allegedly raised without any authority and after the prescribed time limit.

Western Railway Administration has been advised not to recover the undercharges from the staff on the newspaper parcels under dispute.

Rules for fixation of pay and seniority for Transportation staff

5391. SHRI PANNA LAL BARU-PAL:
SHRI ONKAR LAL BERWA:

Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 4170 on the 11th December, 1973 regarding weightage of service for seniority purposes for absorption in alternative appointment in class III posts and state:

(a) what are the rules for fixation of Pay and Seniority for the Transportation staff when absorbed in other alternative categories on being medically decategorised;

(b) the reasons for not applying this principle to the staff referred to in reply to the question under reference; and

(c) whether Government will change those orders issued vide Railway Board's No. E(NG)-II-69/REI/56 dated the 26th November, 1970 to avoid discrimination?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Medically decategorised staff are given protection of pay last drawn, subject to not exceeding the maximum of the grade of absorption. They are also given weightage of previous service rendered in higher or equivalent

grade, for seniority in the category of absorption.

(b) and (c). Surplus staff cannot be treated on the same footing as medically decategorised staff.

Election to Rajya Sabha from Gujarat

5392. SHRI P. M. MEHTA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government have decided to put off the Rajya Sabha poll in Gujarat State;

(b) if so, the reasons therefor;

(c) when they are likely to be held;

(d) whether the present Members will be allowed to continue till the new elections are held; and

(e) whether some Members of Rajya Sabha from Gujarat State are likely to retire this year as a result of which the people of Gujarat will be deprived of their representation by way of voting in the Presidential election due to be held this year?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) Yes, Sir.

(b) On the basis of the recommendation made by the Chief Electoral Officer of the State of Gujarat and the position ascertained by the Election Commission on discussion with the Adviser to the Governor of the State of Gujarat, the Election Commission did not consider it advisable to conduct the elections to the Rajya Sabha from that State, as the conditions there were not conducive to a free and fair election. Subsequently the Assembly has been dissolved by the Governor on the 25th March, 1974.

(c) The elections will be held after a new Legislative Assembly is duly constituted after a General Election to the State Legislative Assembly.

(d) The term of the members of the Rajya Sabha is governed by the provisions of clause (1) of article 83 of the Constitution.

(e) Three members are to retire with effect from 2nd April, 1974.

Presidential Elections

5393. SHRI P. M. MEHTA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state whether Government are considering to postpone the Presidential Election of this year in view of the fact that the electoral college which has to elect the President is not full in view of vacancies?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): No, Sir.

Election to Gujarat Assembly

5394. SHRI P. M. MEHTA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state whether elections to Gujarat Assembly will be held before the Presidential Election this year?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Fresh delimitation of constituencies on the basis of 1971 Census and the preparation and revision of electoral rolls thereafter with reference to the newly limited constituencies are the two basic requirements which have to be fulfilled before General Elections could be held in Gujarat to constitute a new Legislative Assembly and it is not, therefore, possible now to state as to when the elections will be held.

Loss suffered by Railways in Gujarat services

5395. SHRI P. M. MEHTA: Will the Minister of RAILWAYS be pleased to state:

(a) whether Railways suffered heavy losses in Gujarat due to the recent agitation;

(b) if so, the total loss suffered:

(c) whether the Railway services were not maintained properly and people had to suffer great inconvenience as a result thereof in Gujarat;

(d) whether due to the coal shortage the incoming and outgoing trains in Gujarat were also affected; and

(e) if so, what steps are being taken to improve the situation?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes, some loss.

(b) Rs. 3.37 lakhs approximately.

(c) As a result of cancellation of 24 Broad Gauge, 9 Metre Gauge and 44 Narrow Gauge passenger trains, people had to suffer some inconvenience.

(d) No.

(e) Does not arise.

Upgradation of officers' posts from junior scale to senior scale

5396. SHRI M. KATHAMUTHU:
SHRI RAMAVATAR
SHASTRI:

Will the Minister of RAILWAYS be pleased to state:

(a) the number of posts of officers, department-wise and Railway-wise and in the Railway Board, which were upgraded recently from Junior scale to senior scale, from senior scale to

junior administrative scale, from junior administrative scale to senior administrative scale;

(b) whether similar upgradation was ordered in the case of non-gazetted employees also; and

(c) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) A statement showing the number of posts upgraded in December '73-January '74 in the process of re-classification of gazetted posts on railways is laid on the Table of the House. [Placed in Library. See No. LT-6603/74].

(b) and (c). The question of improving the promotional prospects of non-gazetted staff is receiving attention.

Guidelines to encourage Indian Sector of Drug Industry

5397. SHRI BHAGIBHAI PARMAR: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) what guidelines have been laid down to encourage and assist the Indian sector of the drugs and pharmaceutical industry;

(b) whether any study has been made of the effect and impact of these guidelines;

(c) if so, what are the conclusions of Government; and

(d) if no such study has been made, would Government arrange for such study and consider revision of the guidelines to assist the Indian Sector?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) The guide lines for licensing of units in the pharmaceutical industry have been furnished in reply to Lok Sabha started question No. 191 dated the 5th March, 1974.

(b) to (d). By the Resolution dated 8th February, 1974 Government have constituted a Committee on Drugs & Pharmaceuticals Industry headed by Shri Jaisukhlal Hathi, M.P., with wide terms of reference which *inter alia* include:

- "(i) to enquire into the progress made by the industry and the status achieved by it;
- (ii) to make recommendations for promoting the rapid growth of the drugs industry and, particularly, of the Indian and small scale industries' sectors. In making its recommendations the Committee will keep in view the need for a balanced regional dispersal of the industry."

Clearance of Irrigation Projects in Cauvery Basin by C.W.P.C.

5398. SHRI K. LAKKAPPA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the irrigation projects under the Cauvery basin have been cleared by Central Water and Power Commission; and

(b) if so, whether they will be assisted by the Centre in the Fifth Five Year Plan?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESWAR PRASAD): (a) In May, 1972 the Chief Ministers of Karnataka, Kerala and Tamil Nadu decided to make attempts to resolve by negotiations the Cauvery disputes amongst the States. These efforts are continuing, and in the meanwhile, no new schemes are being cleared.

(b) Does not arise.

Reservation Order of SC/ST in Railway Workshop, Kharagpur

5399. SHRI R. N. BARMAN: Will the Minister of RAILWAYS be pleased to state whether SC & ST employees of the Kharagpur Railway Workshop have sent many representations to the Railway Minister about

non-implementation of the Reservation Order by the officers there both at the time of new recruitment as well as in the case of promotion?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): No. Generally the representations, if any, received from the Railway employees, including workshop staff, are passed on to the General Manager of that Railway for necessary action as these are within the competence of the General Manager to deal with.

Charges of Restrictive Trade Practices against Tyre Companies, Gramophone Record Companies and Nylon Filament Yarn Companies

5400. SHRI JYOTIRMOY BOSU: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the nature of charges which the MRTP Commission is investigating against tyre companies, gramophone record companies and nylon filament yarn units; and

(b) the progress made in respect of investigations so far?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) and (b). As already stated in paragraph 5 of chapter IV of the Annual Administrative Report on the Working of the MRTP Commission for the year ending 31st December, 1972, the Commission has undertaken some research studies to locate existence of restrictive trade practice in different fields including Gramophone Records, Tyres and man-made fibres. The Commission has pointed out that these studies are quite time consuming and it would not be in the interest of investigation to disclose details about such studies till sufficient material has been collected and the Commission take a decision to institute formal proceedings.

Report submitted by Inspectors appointed to investigate the affairs of Cadbury-Fry (India)

5401. SHRI JYOTIRMOY BOSU: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the profits of Cadbury Fry (India) Ltd., yearwise between 1969 and 1971;

(b) the salient features of the report submitted by the Inspectors appointed under Section 44 of the MRTP Act to investigate the affairs of the Company; and

(c) the date on which the Inspectors were appointed?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) The profits of Cadbury-Fry (India) Private Limited year wise between 1969 and 1971 are as under:—

Year	Profits before Tax	Profits after Tax
1969 . . .	44,21,029	19,81,029
1970 . . .	48,93,229	26,93,229
1971 . . .	59,34,559	28,74,559

(b) The Inspectors submitted their report on the 31st January, 1974 which, inter-alia, showed that Company is indulging among others, in certain trade practices such as:—

- (i) paying a high rate of royalty at the rate of 5 per cent of the gross price of such chocolate products to its parent holding company in the United Kingdom, particularly when the nature of such products does not involve sophisticated technical know-how or innovation;

- (ii) excessive payment of retailers' margin upto 18 to 20 per cent of the trade price of such products;

- (iii) earning profits of about 40 per cent on the total capital employed by the said company;

- (iv) unreasonably increasing the prices of such chocolate products for a number of years so as to earn unreasonable profits by taking undue advantage of the monopolistic position of the company; and

- (v) not reducing the incidence of the administrative overheads of the company, particularly their advertisement expenses.

which may be considered as monopolistic trade practices as a result of which the cost relating to the production, supply and distribution of chocolate products manufactured by them has unreasonably been increased. On the recommendations of the Inspectors, a reference under Section 31 of the M.R. T.P. Act has been made to the Commission. The other aspects brought out in the Report are being processed in consultation with the concerned Ministries.

(c) Inspectors were appointed vide Government order dated the 3rd September, 1973.

Construction of Haldia Fertilizer Plant

5402. SHRI JYOTIRMOY BOSU: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) when the construction work for Haldia Fertilizer Plant was started;

(b) what was the original estimated cost;

(c) whether any upward revision has been made recently and if so, the facts thereof; and

(d) when the plant was originally scheduled to be commissioned?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) September, 1972.

(b) About Rs. 88 crores.

(c) According to present indications, the project cost could go upto Rs. 136 crores nearly.

(d) By March, 1976.

Power Cuts Imposed by D.V.C.

5404. SHRI DEVINDER SINGH GARCHA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether Damodar Valley Corporation has imposed severe power cuts on the Durgapur, TISCO Steel plants and Alloy Steel Plants; and

(b) if so, the reasons for the same and the time by which normal power supply will be restored?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT): (a) and (b). The DVC has had to improve some cuts on the power supply to the Durgapur, TISCO and Alloy Steel Plants, whenever its generation has fallen below 550 MW. These Plants, however, receive fully supply when the generation level is 550 MW or higher. There has been considerable improvement in the situation recently and, with the Fourth Unit at Chandrapura attaining commercial functioning, there is expected to be no difficulty in meeting the need of these Steel Plants.

Punjab Government Proposal for Rail Link between Chandigarh and Ludhiana

5405. SHRI DEVINDER SINGH GARCHA: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Government of Punjab has submitted proposals to

construct a rail link between Chandigarh and Ludhiana and has also paid to the Railway Board the cost for preparing a Survey Report in this context;

(b) whether the Survey Report prepared long back is now almost out-dated and obsolete and also does not take into account the dire need for the project on economic or other reasons; and

(c) if so, what steps are being taken to initiate action on this much needed project keeping in view the rapid strides taken by the State both in industry and agriculture and also the strategic position of the area in the defence of the northern borders?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes, The cost of the Preliminary-cum-Final Location Engineering Survey for a BG rail link between Jagadhri-Chandigarh-Ludhiana was shared by the Governments of Punjab, Haryana and the Union Territory of Chandigarh.

(b) No. The Survey had been carried out recently and the survey report was prepared during March, 1973. The main purpose of this survey was to fix the alignment of the Railway line so that the State Government could freeze the land required therefor. The survey team did take into consideration the increased traffic likely to be generated in view of the economic developments in the area.

(c) In view of the new rail link being highly unremunerative, it may not be possible to take up the project at this stage when Railways are already short of finances. Ministry of Railways have received no reference from the Ministry of Defence for taking up the project on defence considerations.

**Visit of Indian Engineers of
C.W.P.C. to Nepal**

5406. **SHRI NARENDRA SINGH:**
Will the Minister of IRRIGATION
AND POWER be pleased to state:

(a) whether a team of Indian
Engineers of Central Water and
Power Commission visited Nepal
recently;

(b) if so, the purpose of their visit;
and

(c) the broad features of the dis-
cussions they had with their coun-
terparts in that country?

THE DEPUTY MINISTER IN THE
MINISTRY OF IRRIGATION AND
POWER (SHRI SIDDHESHWAR PRA-
SAD): (a) and (b). Yes, Sir. A
team of three experts visited Nepal
from the 11th to 18th March, 1974 to
assist that Government in the setting
up of an organisation on the lines of
the Central Water and Power Com-
mission, New Delhi.

(c) The team has preliminary dis-
cussions with Officers and Secretaries
of various Departments and also with
the Vice-Chairman of the Planning
Commission on the present organisa-
tional set up in Nepal in the field of
water and power development, the
problems relating thereto and also col-
lected information about trained per-
sonnel available in Nepal.

**Setting up of Power Houses by Steel
Plants**

5407. **SHRI R. P. ULAGANAMBI:**
Will the Minister of IRRIGATION
AND POWER be pleased to state:

(a) whether Government have re-
ceived any suggestions to allow Steel
Mills in the country to have their
own power houses, if so, the particu-
lars thereof;

(b) whether Government have for-
mulated any general guidelines/prin-
ciples for permitting captive power
houses by various industrial under-
takings either in public or private
sector; and

(c) if so, main features thereof?

THE DEPUTY MINISTER IN THE
MINISTRY OF IRRIGATION AND
POWER (SHRI SIDDHESHWAR PRA-
SAD): (a) The major steel plants in
the country already have captive
power plants. Recently, Steel Author-
ity of India, Limited, has sent proposals
for augmentation of the captive power
generation capacity in Rourkela and
Bokaro Steel Plants. M/s. Tata Iron
and Steel Company Limited, have also
proposed extension of their plant pro-
viding balancing equipment for in-
creasing generation by 40 MW. These
proposals are under examination.

(b) and (c). No general guidelines
principles have been laid down by the
Government for permitting captive
power plants by views Public and Pri-
vate Sectors. Each case has to be
considered on merits.

**Construction of Fertilizer Factories
at Korba, Talcher and Ramgundam**

5408. **SHRI GAJADHAR MAJHI:**
Will the Minister of PETROLEUM
AND CHEMICALS be pleased to
state:

(a) what is the present stage of the
fertiliser factories which are being
constructed at Korba, Talcher
(Orissa) and Ramgundam (Andhra
Pradesh) to produce fertiliser from
coal;

(b) when will production start in
these factories; and

(c) the estimated expenditure on
erecting these factories, factory-wise
and the number of persons expected
to be employed therein?

THE MINISTER OF STATE IN
THE MINISTRY OF PETROLEUM
AND CHEMICALS (SHRI SHAH-
NAWAZ KHAN): (a) to (c). Tal-
cher and Ramgundam projects are in
advanced stages of construction; they
are expected to go into production by
January, 1976.

Preliminary work is under way on the Korba project, which is expected to be commissioned by January, 1978. Each of these three projects is estimated to cost about Rs. 118 crores and would employ, when in full production about 1500-2000 people.

Survey conducted by C.W.P.C. on Rivers Kosi and Brahmaputra

5409. SHRI GAJADHAR BAJHI Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether any survey has been conducted by the Central Water and Power Commission on the geological and other multifarious aspects of the rivers Kosi and Brahmaputra with a view to taking protective measures against annual floods; and

(b) if so, the findings thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). A comprehensive study of the flood prone rivers in India was made by the high Level Committee on floods appointed by the Government of India in 1957. The Central Water and Power Commission was represented on this Committee and the studies and the Secretariat work of the Committee was done by them. The findings of the Committee were laid on the Table of the House in reply to Starred Question No. 81 on February 11, 1959.

The Committee had made detailed studies of the flood problem in the various river basins of India including the Kosi and Brahmaputra, the characteristics of the rivers and their catchments and had made suggestions in regard to the measures that could be taken for protection against floods. They had laid emphasis on the preparation of comprehensive plans of flood control for the various rivers on the lines indicated by them after making further studies on the history of floods, their frequency, magnitude and catchment characteristics etc.

Flood control being a State subject, the responsibility for the preparation of comprehensive plans and the implementation of the flood protection measures is that of the State Government. The Central Water and Power Commission render technical assistance in this regard at the specific request of the State Governments.

For the preparation of a comprehensive plan of flood control in the Brahmaputra valley, the Brahmaputra flood Control Commission has set up by the Government of Assam. The Commission has taken up the work of the preparation of a comprehensive plan in which they are assisted by the Board of Consultants constituted by the State Government. The Central Water and Power Commission is also represented on the Board of Consultants.

In regard to the River Kosi, it has been controlled to a large extent by the protection measures already undertaken. Further measures for dealing with the residual problems are being planned by the Bihar Government. The State Government can draw assistance in this task from the Ganga Flood Control Commission constituted by the Ministry of Irrigation and Power for preparing a comprehensive and coordinated plan of flood control for the Ganga basin which covers a number of States.

Indo-Rumania Talks on Power Generation in New Delhi

5410. SHRI M. S. SANJEEVI RAO: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether Indo-Rumania talk on power generation were held in New Delhi in January, 1974; and

(b) if so, the outcome thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) Yes, Sir.

(b) The areas of economic, scientific and technical cooperation were identified and it was agreed that

these areas should be studied in detail by specialists of the two countries, so that concrete arrangements could follow.

Indo-Rumania Discussions on Oil Exploration

5411. SHRI M. S. SANJEEVI RAO: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Indo-Rumania discussion on oil exploration were held in January, 1974; and

(b) if so, the results of thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) and (b). Yes, Sir. In pursuance of these discussions, orders for purchase of 6 drilling and 3 workover rig have been placed by the ONGC on Rumanian suppliers.

Assistance to Karnali Power Project in Nepal

5412. SHRI YUMUNA PRASAD MANDAL:
SHRI M. SUDARSANAM:

Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether our country has agreed to assist in the investigation and completion of Karnali power project in Nepal; and

(b) if so, our financial contribution in this project?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT): (a) It has been agreed to associate Indian Experts with the investigation of the project.

(b) Arrangements for the financing of the project have not yet been finalised.

Own Your Own Wagon Scheme for Big Coal Users

5413. SHRI DHAMANKAR: Will the Minister of RAILWAYS be pleased to state:

(a) whether the big coal users in the country have been advised to have their own wagons in order to ensure regular supply of coal to their respective units; and

(b) whether it will not undermine the functioning of Railways?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No.

(b) Does not arise.

Aghanashini Hydel Project in Karnataka

5414. SHRI B. V. NAIK: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the Aghanashini hydel project in Karnataka is situated in a seismic belt; and

(b) if not, whether the relevant portion of Seismological survey will be published?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SDDHESHWAR PRASAD): (a) and (b). Preliminary feasibility studies by the Geological Survey of India have revealed that the Aghanashini hydel project in Karnataka does not fall in active seismic belt lies in seismic zone III of ISI Seismic Zoning map of India. Evaluation studies on the seismic studies of the project are yet to be carried out.

Distribution of Cooking Gas in Kerala

5415. SHRI C. K. CHANDRAPPAN: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether cooking gas distribution in Kerala has been paralysed for the last few days; and

(b) if so, the reasons and the facts thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM & CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Yes, Sir.

(b) The Cochin Refinery was shut-down for some time during the month of March, 1974, as a result of which the availability of filled LPG cylinders suffered a set-back. This resulted in short-fall in Kerala market. The Refinery is expected to commence delivery of filled cylinders shortly. Once the supply is recommenced, it will take 3 to 4 weeks time for the supply position to become normal.

Supply of Railway Coupon Book for use of M.L.As.

5416. SHRI C. K. CHANDRAPAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Kerala Legislature Secretariat has requested the Railways in October, 1973 for the supply of Railway coupon books for the use of M.L.As;

(b) if so, when were they supplied;

(c) whether the supply of these coupons was delayed; and

(d) if so, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes.

(b) The required coupon books were supplied to the Kerala State Legislature on 28-2-74 and 2-3-74 by the Southern Railway Administration.

(c) There was no undue delay in arranging supply.

(d) Does not arise.

Setting up of Divisional Headquarters Office at Trivandrum

5417. SHRI C. K. CHANDRAPAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether the General Manager of Southern Railway had declared at the 8th Annual Celebration of All Kerala Railway Users' Association at Trivandrum that the Railways would soon set up an area office in Trivandrum as a first step for the formation of the Divisional Head Quarters for the State in Trivandrum; and

(b) if so, the salient features thereof and when the area office in Trivandrum is likely to come into being?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No.

(b) Does not arise.

Explosion in Chitpur Railway Shed

5418. SHRI B. S. BHURA: Will the Minister of RAILWAYS be pleased to state:

(a) whether six Railway employees were hurt in an explosion in Chitpur Railway shed in West Bengal recently; and

(b) if so, the facts of the incident and the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes.

(b) On 19-2-1974 at about 12.10 hrs. while Carriage and Wagons staff were doing repair work with a gas cylinder in wagon No. ER KC 37616

(empty) at line No. 2 sick line under the covered Shed of Chitpur, an explosion occurred as a result of which six employees were injured. All injured employees were treated at B. R. Singh Hospital and on 13-3-1974 one of the injured, Welder Probodh Chandra Dey succumbed to his injuries in the said Hospital. GRP, Sealdah, started case No. 23 dated 19.2-1974 under Section 3 of Explosive Substance Act. Assistant Commissioner, Bomb Squad, and Inspector of Explosives Calcutta Police, visited the spot and the seized materials were sent for Explosive Expert's opinion, which is still awaited. No definite opinion about the cause or the reason for this explosion has yet been reached.

Loss suffered by Railways on account of Subversive Activities and Violent Agitations during 1973

5419. SHRI SHANKAR DAYAL SINGH: Will the Minister of RAILWAYS be pleased to state:

(a) the amount of loss suffered by the Railways on account of subversive activities and violent agitations in 1973; and

(b) the steps taken by the Railways to make up this loss?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Rs. 13 crores approximately.

(b) Steps are taken to make up these losses by better performances and efficient working.

Alleged Attempt made by a Soldier of Railway Security Force to Rape a Lady Passenger at Delhi Station

5420. SHRI SHANKAR DAYAL SINGH: Will the Minister of RAILWAYS be pleased to state:

(a) whether a constable of the Railway Security Force attempted to

rape a lady passenger on 12th February, 1974 at Delhi Junction Station and was apprehended; and

(b) if so, the facts of the incident and the action taken against the constable?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). There is no organisation known as Railway Security Force. The Railway Protection Force which is maintained by the Railways does not have any rank designated as constables.

On the night of 10/11th February, 74 and not on 12th February, 1974, as mentioned in the Question, information, was received by the Duty Officer, Delhi Railway Police Station, Delhi Junction, that constable No. 6 Risal Singh of Delhi Railway Police was taking a woman passenger to one of the Office rooms on the first floor of the Station building. On receipt of the information, the Duty Officer rushed upstairs and brought the constable and the woman passenger concerned to the Police Station. Medical examination conducted by the Police Surgeon Delhi, disclosed that no rape was committed. A case vide FIR No. 85 under Section 376/354/342 IPC has been registered against constable No. 6, Risal Singh of Delhi Railway Police on 12-2-74 at Delhi Railway Police Station, Delhi Junction. The constable has been placed under suspension and the case is under investigation. Further evidence is being collected through chemical examination, the report of which is still awaited.

Petitions Admitted by Special Leave in the Court of Chief Justice of India

5421. SHRI HEMENDRA SINGH BANERA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of petitions admitted by special leave in the court of

the Chief Justice of India, against Government from July 15, 1973 to 31st December, 1973; and

(b) the number of petitions admitted with special leave in the same court during 1970, 1971 and 1972 separately?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) 33.

(b) 15-7-70 to 31-12-70 . . . 61

15-7-71 to 31-12-71 . . . 57

15-7-72 to 31-12-72 . . . 67

Clearance of Power Projects in West Bengal

5422. **SHRI A. K. M. ISHAQUE:** Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the names of the power projects recommended by West Bengal Government to the Central Government for clearance;

(b) whether West Bengal Government have recently urged the Central Government for their early clearance; and

(c) if so, what action is being taken by Government thereon?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDESHWAR PRASAD): (a) to (c). The following power generation schemes have been sanctioned for West Bengal:—

Name of Scheme	Capacity (MW)
1. Bandel Thermal Station Extension (1 X 200 MW) .	200
2. Kolaghat Thermal Power Station (3 X 200 MW) .	600
3. Jaldhaka H. E. Scheme Stage II (2 X 4 MW) . . .	8
4. Rinchington Hydro Electric Scheme Stage II (2 X 1 MW) .	2

In addition, project reports for the Santaldih Thermal Power Station Extension (1x200 MW), Durgapur Coke Oven Thermal Station Extension (1x200 MW) and Durgapur Projects Limited Extension (1x110 MW) have been received and are under examination.

Conversion of Purulia-Kotshila into Broad Gauge line

5423. **SHRI A. K. M. ISHAQUE:** Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have since completed the examination of the survey report on conversion of Purulia-Kotshila line into broad gauge; and

(b) if so, what are the salient features of the decisions taken in the matter?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MHOD. SHAFI QURESHI): (a) No.

(b) Does not arise.

Guard Assaulted at Nasrula Station

5424. **PROF. NARAIN CHAND PARASHAR:** Will the Minister of RAILWAYS be pleased to state:

(a) whether the Guard-in-charge of 7 JH Passenger train from Hoshiarpur to Jullundur City on the 31st January, 1974 was assaulted and the train was heavily stoned at Nasrula Station;

(b) if so, whether senior police officials of Hoshiarpur had to come to the Guard's rescue and ensured the commencement of the onward journey under police guard;

(c) whether Government are aware of the feeling of grave insecurity among the Guards as a result of this incident;

(d) if so, whether General Manager, Northern Railway has received any

representation in this regard and the reaction of Government to the demands contained therein; and

(e) the action taken by the Railway Administration to ensure the security of life to the Railway employees?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MHOD. SHAFI QURESHI): (a) Yes.

(b) and (c). The Superintendent of Police, Hoshiarpur came to the spot with Polic Force and the Police escorted the concerned train upto Jullundur City. This incident, however, did give some indication of a sense of insecurity among the Guards.

(d) A representation of the Guards of Ferozepur Division through the Member concerned has since been received and is being attended to.

(e) The Railways maintain constant contact with State Governments at all levels to enlist their help in making adequate protective arrangements for the persons and property of their employees. Armed escorts are provided on important trains specially during night time which also protect the crew. Deterrent punishments are awarded to the culprits for interfering with the working of the Railways and its employees under the Indian Railways Act.

Transfer of Farakka Barrage Workshop to West Bengal

5425. SHRI A. K. M. ISHAQUE: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether Government are considering to transfer the Farakka Barrage workshop from the Central Government to the West Bengal Government for the industrial development of the area; and

(b) if so, the names of the projects proposed to be started by the West Bengal Government?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). The request

of the Government of West Bengal for the transfer of the Farakka Barrage Workshop to them for utilisation by M/s. Westinghouse Saxby Farmer Limited, a Public Undertaking of West Bengal Government, for the manufacture of agricultural pump-sets had been under consideration. However, it has since been proposed to set up a Thermal Power Station at Farakka in the Central sector. The question of transfer of the workshop is, therefore, being further considered, since the facility might also be required by the proposed Thermal Project.

Construction of Major Irrigation Projects

5426. SHRI ANNASAHAB GOTKHINDE: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether a number of major irrigation projects are under construction to benefit drought prone areas in various parts of the country;

(b) if so, the names of the projects which will benefit the drought prone districts of Sangli and Satara in Maharashtra;

(c) whether it was ascertained from the State Government that those projects are being so executed as to actually benefit the drought prone areas in those districts; and

(d) the reaction of the State Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) Yes, Sir.

(b) Warna Project will benefit Sangli district and Krishna Project will benefit both Sangli and Satara districts of Maharashtra.

(c) and (d). Irrigation is a State subject and irrigation projects are

planned, investigated and executed by the State Governments. No proposal for any revision in the scope of these projects has been received from the State Government.

Rural Electrification programme of Maharashtra for Fifth Plan

5427. SHRI ANNASAHEB GOTKHINDE:

Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the rural electrification programme of Maharashtra for the Fifth Five Year Plan period is likely to suffer a setback due to inadequate allocations;

(b) what were the allocations asked for by the State Government; and

(c) the allocations for the year 1974-75 and the total allocations for the Fifth Plan period?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) to (c). The Government of Maharashtra had proposed an outlay of Rs. 91 crores for their rural electrification programme during the Fifth Five Year Plan. The Planning Commission has, however, proposed an allocation of Rs. 40 crores only. This money will help in electrification of 3100 villages and energisation of 64300 pumpsets. The State Government would in addition, be able to secure loans from the Rural Electrification Corporation.

45.6 per cent of the 35851 villages in Maharashtra were electrified by 31.1.1974, and the V Plan programme would ensure that rural electrification in Maharashtra would remain above the all India level. The tentative allocation for the year 1974-75, in the State Plan is Rs. 75 crores.

Monopolies and Restrictive Trade Practices Commissions' Clearance sought by Ballarpur Paper Mills for Sodium Tripoly Phosphate Project

5428. SHRI T. V. CHANDRASEKHARAPPA VEERABASAPPA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Ballarpur Paper Mills have sought for MRTPC's clearance for Sodium Tripoly Phosphate Project in Karwar in Karnatka;

(b) whether clearance has been given by MRTPC Commission; and

(c) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) The Ballarpur Paper & Straw Board Mills Limited has given the following two notices under section 21 of the Monopolies and Restrictive Trade Practices Act for the manufacture of Sodium Tripoly Phosphate in Karwar:—

S. No.	Annual Capacity applied for	Date of receipt of the Notice
1.	10,000 tonnes . . .	30-9-1972
2.	14,000 tonnes . . .	27-3-1974

(b) and (c). The Government did not consider it necessary to refer the first proposal to the Monopolies and Restrictive Trade Practices Commission for further enquiry. The question of clearance of the proposal by the Commission did not, therefore, arise. The second proposal has been received only on 27-3-1974 and is being considered.

मध्य रेलवे में बीरपुर के निकट हुई रेल दुर्घटना की जांच

(ग) इन निर्णयों को कब से लागू कर दिया जायेगा ?

5429. श्री चन्डूलाल चन्दाकर : क्या रेल मंत्री यह बताते की कृपा करेंगे कि :

(क) क्या मध्य रेलवे में बीरपुर के निकट हुई रेल दुर्घटना के बारे में जांच, जिसका आदेश दिया गया था, पूरी हो गई है ;

(ख) यदि हां, तो तत्सम्बन्धी मुख्य बातें क्या हैं; और

(ग) इससे रेलवे को कितनी हानि हुई तथा मृतकों के परिवारों को रेलवे ने कुल कितना मुआवजा दिया ?

रेल मंत्रालय में उप मंत्री (श्री मुहम्मद शफी कुरेशी) : (क) और (ख) अपर आयुक्त रेल सुरक्षा, बम्बई द्वारा इस दुर्घटना की जांच की गई है। उनके अन्तिम निष्कर्षों के अनुसार यह दुर्घटना रेल कर्मचारियों की गलती से हुई।

(ग) रेल सम्पत्ति को लगभग 17,000 रुपये की क्षति पहुंचने का अनुमान है। दुर्घटना के शिकार अथवा उनके परिवार वालों को अभी तक कोई मुआवजा नहीं दिया गया है। किन्तु मृतकों के पांच सम्बन्धियों को कुल 2,500 रुपये और चार घायल यात्रियों को कुल 1,200 रुपये की राशि अनुग्रह के रूप में दी गई है।

रेलवे कर्मचारियों को अधिक सुविधाएं देने संबंधी नए निर्णय

5430. श्री चन्डूलाल चन्दाकर : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या हाल में रेल कर्मचारियों को अधिक सुविधायें देने के लिए कुछ निर्णय लिये गये हैं ;

(ख) यदि हां, तो तत्सम्बन्धी मुख्य बातें क्या हैं; और

रेल मंत्रालय में उपमंत्री (श्री मुहम्मद शफी कुरेशी) : (क) से (ग), रेल कर्मचारियों के सम्बन्ध में तत्सरे वेतन आयोग की सिफारिशों के कार्यान्वयन के अलावा जिन कर्मचारियों ने रेलों की उत्कृष्ट सेवा की है उनके बच्चों को अनुकम्पा के आधार पर नौकरी देने के मामले में हाल ही में कुछ रियायतें दी गयीं हैं।

काठगोदाम लखनऊ एक्सप्रेस के तीन डिब्बों का 5 मार्च, 1974 को पटरी से उतर जाना

5431. श्री चन्डूलाल चन्दाकर : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या 5 मार्च, 1974 को काठगोदाम-लखनऊ एक्सप्रेस के तीन डिब्बों के पटरी से उतर जाने के कारण कई व्यक्ति घायल हो गए थे ;

(ख) क्या डिब्बों के पटरी से उतर जाने के कारणों का पता लगाया गया है ;

(ग) क्या ऐसी घटनाएं अब बढ़ती जा रही और

(घ) उक्त दुर्घटना में रेलवे को कुल कितनी हानि हुई ?

रेल मंत्रालय में उपमंत्री (श्री मुहम्मद शफी कुरेशी) : (क) इस दुर्घटना में केवल एक व्यक्ति को मामूली चोट आई।

(ख) जी हां।

(ग) जी नहीं।

(घ) रेल सम्पत्ति को लगभग 13,883 रुपये की क्षति पहुंचने का अनुमान है।

गोरखपुर रेलवे स्टेशन पर 6 मार्च, 1974
को हुआ बम विस्फोट

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5432. श्री चम्पूलाल चन्दाकर :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या 6 मार्च, 1974 को गोरखपुर रेलवे स्टेशन पर दो बम विस्फोट हुए थे ;

(ख) क्या रेलवे पुलिस ने कूड़े के ढर में से दो और बम बरामद किए; और

(ग) यदि हां, तो उन बमों के बारे में की गई जांच का व्यौरा क्या है ?

रेल मंत्रालय में उपमंत्री (श्री मुहम्मद शफी कुरेशी) : (क) से (ग) : 6-3-1974 को लगभग 11 बजे सुबह, गोरखपुर रेलवे स्टेशन के प्लेटफार्म नं० 4 पर खड़ी नं० 216 डाउन गाड़ी के खाली रैक के नीचे एक विस्फोट सुनायी पड़ा। एक कुत्ता जो कि जाहिरातौर पर इस विस्फोट में मारा गया था, मौके पर मिला। छोटे आलुओं के आकार के तीन छोटे पटाखे पाम ही पड़े मिले। आर० टी० ओ०, गोरखपुर के एक प्रतिनिधि ने इन वस्तुओं की परीक्षा की और मत व्यक्त किया कि वे साधारण पटाके थे; इन्हें पानी में डालकर निरापद बना दिया गया। उसी दिन एक दूसरा विस्फोट रेलवे स्टेशन के बाहर रेलवे क्वाटर्सों के पास कूड़ा-कचरा डालने के स्थान पर हुआ जिसमें एक आबारा मुझर मारा गया। यह विस्फोट भी देसी पटाखे से हुआ था।

दोनों घटनाओं के सम्बन्ध में पुलिस ने मामले दर्ज कर लिये हैं और उनकी जांच-पड़ताल कर रही है। इस विस्फोट में बम का इस्तेमाल हुआ है, ऐसा नहीं पाया।

Decision of Fertilizer Plant at Paradeep

5433. SHRI CHINTAMANI PANI-GRAHI:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the proposal for setting up of a fertiliser plant at Paradeep in Orissa has been finally approved;

(b) if so, when its construction work is going to start; and

(c) why it is being delayed?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) to (c). Government have accepted in principle the setting up of a fertilizer project in the public sector at Paradeep during the Fifth plan period.

Supply of Surplus Power from Delhi to Haryana and U.P.

5434. SHRI NAWAL KISHORE SHARMA:

Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether Government are aware that Delhi alone has surplus power in the country;

(b) if so, the total surplus power in the State; and

(c) the steps being taken to make use of this surplus power in the neighbouring States of Haryana and U.P.?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) to (c). Delhi, along with a few other States, has some surplus power which is being utilised for mitigating the power shortage in the neighbouring States. The surplus energy available in Delhi is upto 0.9 GWh a day. This is being supplied

to Haryana. Uttar Pradesh is being given relief from other neighbouring systems and Badarpur.

Requirement of Locomotives during Fifth Five Year Plan

5435. SHRI NAWAL KISHORE SHARMA:

SHRI R. V. SWAMINATHAN:

Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposal under the consideration of Government to acquire more Locomotives during the Fifth Five Year Plan;

(b) if so, the salient features of the proposal for locomotives to be acquired to meet the domestic requirement and the number of such locomotives to be exported to foreign countries; and

(c) whether there is any proposal to extend the life of a locomotive from its present life of service and if so, the salient features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes.

(b) During the Fifth Five Year Plan period it is proposed to produce 561 Broad Gauge Main line Diesels, 151 Metre Gauge Main Line Diesels, 396 Broad Electric locos, 100 Broad Gauge Diesel Shunters and 20 Narrow Gauge diesel locos to meet domestic requirements. In regard to export of locomotives, we are examining the feasibility. Most of the developing countries procure rolling stock including locomotives by issuing global tender. Indian Railway production units participate in the bid provided type, horsepower capacity, etc., are within their manufacturing range but at this stage, the quantity and precise feasibility cannot be foreseen.

(c) Due to oil crisis, it has been decided to condemn generally overaged steam locos which are more than 50 years old on age cum condition basis although the normal code life of

these locomotives is 40 years. In any event each case for condemnation would be referred to the Board for specific sanction.

Introduction of Rail Car System

5436. SHRI NAWAL KISHORE SHARMA:

Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposal under the consideration of Government to introduce rail car system in Indian Railways;

(b) if so, the salient features of such rail cars to be run on various rail routes;

(c) the time by which they would be put into operation;

(d) the estimated passengers and goods capacity of these cars; and

(e) the extent to which these would help to ease the present demands on rail traffic?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). Diesel Rail Car services are already operating for clearance of passenger traffic in Jullundur and Rajahmundry areas on the Broad Gauge; Tiruchirappalli, Mysore, Kanpur and Varanasi areas on the Metre Gauge and Simla-Kalka and Burdwan-Katwa sections on the Narrow Gauge. Diesel Rail Cars for introduction on Jullundur City-Hoshiarpur Section on the Broad Gauge, and Bangalore City-Bangarapet Section on the Narrow Gauge are also on order.

(c) B.G. rail cars were so far not indigenously produced. Two B.G. rail cars are now being indigenously produced as prototypes and based on their performance, further production will be considered. In addition six sets of N.G. rail cars are being made. Since large number of technical problems have to be overcome in the production of both B.G. and N.G. rail

cars, it will not be possible to indicate the exact dates of commissioning.

(d) A B.G. Unit consisting of two Power Cars and a trailer has seating capacity for 342 II class seats. N.G. Rail Car Unit consists of one Four Wheeler Power Car and 4 Four Wheeler trailers and has seating capacity for 186 II class seats. No space is provided for goods in these rail cars.

(e) This will ease congestion only on these sections where rail cars are being introduced. The introduction of additional rail cars has been pending because of oil crisis.

New Railway Line between Bhadrachalam to Kovur (South Central Railway)

5437. SHRI K. RAMKRISHNA REDDY: Will the Minister of RAILWAYS be pleased to state:

(a) whether any survey has been carried for constructing a new line between Bhadrachalam Road to Kovur in South Central Railway;

(b) if so, whether the project would be taken up during 1974-75;

(c) if not, the reasons for not taking up this project; and

(d) whether the Ministry is aware that this new line would help backward areas and tribal areas of Kuamam District?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes.

(b) and (c). Due to the line being heavily unremunerative as revealed by the updated study report, it is not proposed to take up the project.

(d) Yes.

Survey for Construction of Godavari Barrage

5438. SHRI K. RAMKRISHNA REDDY: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether any survey for the construction of Godavari barrage has been made; and

(b) if so, the main features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). The Godavari Barrage, estimated to cost Rs. 26.59 crores, is already under construction. The barrage, which will be a replacement structure for the existing anicuts, is planned to be about 3620 m. long with 175 bays of clear span of 18.3 m. each.

Collision between 12 Dn. Delhi-Howrah Express and Shunting Engine in Calcutta

5439. SHRI P. A. SAMINATHAN: SHRI R. V. SWAMINATHAN:

Will the Minister of RAILWAYS be pleased to state:

(a) whether 23 persons were injured and three persons killed when 12 Dn. Delhi-Howrah Express dashed against shunting engine in Calcutta on the 9th March, 1974;

(b) if so, whether any enquiry has been ordered into the accident; and

(c) the amount of compensation given to each victim of the accident?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No person was killed but 23 persons sustained minor injuries when 12 Dn. Delhi-Howrah Express dashed against

a yard pilot engine at Madhupur station of the Eastern Railway on 9-3-1974.

(b) Yes.

(c) No compensation has yet been paid to the victims of the accident.

Amount sanctioned to build over-Bridges and under-Bridges in South Central Railway Zone during 1973-74

5440. SHRI B. S. MURTHY: Will the Minister of RAILWAYS be pleased to state:

(a) the amount sanctioned by Government for 1973-74 to build over-bridges and under-bridges in the South Central Railway zone; and

(b) the amount spent and the target achieved so far?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Rs. 5.53 lakhs.

(b) The amount spent upto January, 1974 is Rs. 4.44 lakhs.

Out of the 14 schemes for construction of road over/under bridges included as Throw Forward Works in the Railway's Works Programme, 1973-74, the Railway has completed work on the Bridge proper in respect of 5 schemes, including three which were physically completed earlier but were included in the programme to admit financial adjustments. Work on another 5 schemes is in progress. One scheme has been deferred by the Road Authority and work on the rest is still to be started.

Separate Railway Service Commission for South Central Zone

5441. SHRI B. S. MURTHY: Will the Minister of RAILWAYS be pleased to state:

(a) whether any decision has been taken for providing a separate Railway Service Commission for South Central Zone; and

(b) if so, the date from which the said Service Commission will begin functioning and the location of the headquarters thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). A separate Railway Service Commission for South Central Railway Zone is proposed to be set up during 1974-75 at Secunderabad.

Strikes and work-to-rule resorted by Railway Staff during Current year

5452. SHRI S. R. DAMANI: Will the Minister of RAILWAYS be pleased to state:

(a) the details of strikes or work-to-rule methods resorted to by the Railway staff in different regions in the current year;

(b) the loss suffered as a result thereof by the Railways and its effect on the national economy as a whole; and

(c) what permanent measures are proposed to create sense of responsibility and discipline among the staff of this most essential service?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). There has been no major strike in 1974 so far. However, agitations have been resorted to by a section of SMs/ASMs, Shed Maintenance Staff, Loco Running Staff, Technical Supervisors, Train Examiners, Guards and Shuntmen in different regions. The details (including the loss suffered) are being collected and will be laid on the Table of the Sabha.

(c) The legitimate demands of all categories of staff are considered and solved through the various tiers of the collective bargaining machinery—the Permanent Negotiating Machinery and the Joint Consultative Machinery—which have been functioning constitutionally and purposefully over a long

period of time. Further, representations coming from any source, including unrecognised Unions, are given due consideration and appropriate action is taken in each case. When there is so much of scope for ventilating the grievances and getting them redressed, there should really be no room for sudden outbursts of illegal strikes or agitations like 'Work-to-Rule', 'Work-to-Safety' etc.

2. There is no doubt that labour relations on Indian Railways is a subject that requires persistent attention and in this context there have been several special meetings with labour representatives under the aegis of the recognised Federations which have been useful. Not only so, a conference on labour relations was convened on 4th February, 1974 and it was attended by some Members of Parliament interested in labour problems, some leaders of central Trade Unions and representatives of two recognised Federations. The policy of one union in one industry has been accepted in principle in this Conference.

3. Under the order issued on 25.11.73 in exercise of Defence of India Rules, 1971, strike is prohibited in Railways services for a period of six months with effect from 26.11.73. Violation of these orders is punishable as per provisions of the rules.

4. Railway employees who resort to illegal strikes in violation of the provisions of the Industrial Disputes Act, 1947, are liable for punishment.

5. It has been decided to enforce the principle of 'No work-No pay' to discourage the elements instigating strikes and agitations.

6. All acts of indiscipline will be dealt with firmly.

7. The Grievance Redressal Machinery and implementation Cell is being suitably strengthened.

8. It has also been decided to recognise the services of loyal workers by grant of extensions, rewards, ad-

vance increments for outstanding service and favourable consideration within administrative rules for appointment of children and dependents of loyal workers.

Proposal from I.O.C. to increase price of Cooking Gas

5443. SHRI BIRENDER SINGH RAO: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the Indian Oil Corporation has recently proposed to Government to increase the price of cooking gas;

(b) if so, what decision Government have taken thereon; and

(c) the extent of increase in price to be effected?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) No, Sir.

(b) and (c). Do not arise.

Employment Potential and capacity of Mathura Refinery

5444. SHRI BIRENDER SINGH RAO: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the employment potential of the Mathura Oil Refinery; and

(b) what is the estimated capacity of the refinery?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b). The design capacity of Mathura Refinery will be six million tonnes per annum. The Refinery Complex when commissioned is expected to provide employment to 1,100 persons.

L.P.G. Agencies allotted to unemployed Graduate Engineers and disabled Army personnel

5445. SHRI BIRENDER SINGH RAO: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the number of unemployed Graduates and Engineers who have so far been allotted L.P.G. agencies by the India Oil Corporation in each state; and

(b) whether such agencies are also allotted to disabled army personnel and to the dependents of deceased army personnel, if so, the number of agencies allotted to such personnel in each State?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b). Information is being collected and will be laid on the table of the House.

Take-over of Nangal-Bhakra Project Railway

5446. PROF. NARAIN CHAND PARASHAR: Will the Minister of RAILWAYS be pleased to state:

(a) whether a demand has been received by Government for the take-over of the Nangal-Bhakra Project Railway;

(b) if so, whether any decision has been taken on this demand and the nature thereof; and

(c) if not, the likely date by which the decision would be taken in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a). Yes.

(b) and (c). The proposal regarding taking over the private siding from Nangal Dam to Bhakra (constructed by the Bhakra Project Authority) by the Northern Railway and alternatively the possibility of working the siding by the Railway without taking it over are under examination in consultation with Northern Railway Administration. As the proposal involves detailed examination of a number of complex factors, it is not possible to indicate at this stage, the date by which a final decision would be taken in this regard.

Increase in Passenger Fares and Freight rates

5447. PROF. NARAIN CHAND PARASHAR: Will the Minister of RAILWAYS be pleased to state:

(a) the number of occasions in the last three years when the passenger fares for various classes and freight rates have been increased;

(b) the exact increases in the various categories on each occasion; and

(c) the total increase in income on each one of these occasions?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Passenger fares were increased on four occasions and freight rate for goods on three occasions during the last three years.

(b) A statement is laid on the Table of the House. [Placed in Library See. No. LT-6604 174].

(c) It is not possible to assess the extra revenue attributable to the revision in passenger fares and freight rates because the total earnings in any particular year are influenced by a combination of various factors such as the quantum of traffic, its lead, revision of rates, etc.

Financial allocation for Irrigation and Power Projects for H.P. in Fifth Plan

5448. PROF. NARAIN CHAND PARASHAR: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the total financial allocation for Himachal Pradesh for various irrigation and Power Projects in the Fifth Five Year Plan; and

(b) how far does it fall short of plan allocation demanded by Himachal Pradesh Government?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). The State Government have proposed an outlay of Rs. 55.55 crores for irrigation and power projects in the State in the Fifth Plan. The Fifth Plan of Himachal Pradesh is yet to be finalised.

Financial Assistance for Rural Electrification in H.P. in Fifth Plan

5449. PROF. NARAIN CHAND PARASHAR: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the total amount of financial assistance approved by Government for Rural Electrification in the Fifth Five Year Plan for the State of Himachal Pradesh; and

(b) the percentage of villages which are likely to be electrified in Himachal Pradesh during the Fifth Five Year Plan with this assistance?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a). In the Draft Fifth Five Year Plan, it has been proposed to allocate Rs. 4.25 crores for rural electrification schemes of the State of Himachal Pradesh. This Money will

help in electrification of 930 villages and energisation of 990 pumpsets.

(b) There are 13,060 villages in the State. 4,930 villages are likely to be electrified by the end of the Fifth Plan. The percentage will then be 37.8.

Decisions taken by Qureshi Committee Meeting held in Delhi in January, 1974

5450. SHRI RAMAVATAR SHASTRI: Will the Minister of RAILWAYS be pleased to state:

(a) whether Qureshi Committee held its meeting in Delhi in January, 1974;

(b) if so, the names of the persons who attended this meeting; and

(c) the problems discussed and decisions taken?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (c). The Loco Running Staff Grievances Committee under the Chairmanship of the Deputy Minister for Railways met in Delhi from 17-1-74 to 20-1-74 and the meetings were attended by the official side representatives and the staff side representatives, as well as by the Chief Labour Commissioner representing the Ministry of Labour.

The following business was transacted during this session

- (i) the staff side nominated their representative on the sub-committee announced by the Minister for Railways on 28-12-73 as well as advisers to assist this representative.
- (ii) the scope and functions of the sub-committee were formulated;
- (iii) in regard to the 3 pending issues before the Committee namely: "equal pay for equal work", "pay protection for

medically decategorised staff" and "rationalisation of running allowance rules", the official side furnished notes to the staff side on two of these issues and agreed to furnish a note on the third issue later.

- (iv) Progress made in introducing 10-hour working on mail/express trains was intimated by the official side to the staff side.

- (v) It was decided that introduction of 10-hour working on trains other than mail and express trains, should be commenced by Railways from 15-2-74, wherever possible. It was further decided that, with the object of considering the feasibility of reducing the implementation period of 3 years as announced by Govt., the Committee would make a field study of a few Divisions with different working conditions as also a study of the implementation plans drawn up by the Zonal Railways.

Allocation of Foreign Exchange to M/s. Bharat Air

5451. SHRI C. CHITTIBABU: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether M/s. Bharat Air have applied for foreign exchange for the purchase of two second hand Bell 47G5 helicopters for charter to M/s Oil India Ltd. for Pipe Line survey;

(b) whether these types are available in the country with M/s Maneckji, Mahindra and Mahindra, Sanghi Aviation, Khemka Aviation, Southern Aviation and Pushpaka Aviation for hire to M/s Oil India for the required purpose; and

(c) if so, Government's decision on the request of M/s. Bharat Air?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) to (c). M/s. Bharat Air have applied for the release of foreign exchange and issue of a licence for the import of two helicopters for charter to Oil India Limited. 3 organisations viz. Mahindra and Mahindra, Sanghi Aviation and Khemka Aviation had responded to and open tender by Oil India Limited. All the three quoted on the basis of helicopters purchased with foreign exchange allocation which tied their use exclusively to agriculture work. None of these firms has so far reported to Oil India Limited that they have received approval for diversion of their helicopter to Oil India's work. No decision has so far been taken on the application of M/s. Bharat Air.

Anil Starch Products

5452. SHRI RAMAVATAR SHASTRI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether "Anil Starch Products", a monopoly house has applied for permission to start a new undertaking for the production of starch; and

(b) if so, the salient features thereof and Government's decision thereon?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) Yes Sir.

(b) The proposal envisages setting up of a new undertaking for manufacture of 12,000 M.T. per annum of Speciality Starch Products. The proposal was referred to the Monopolies and Restrictive Trade Practices Commission under section 22(3)(b) of the Monopolies and Restrictive Trade Practices Act for further inquiry and report. The report of the Commission has been received by the Government on 25th March, 1974. The Government has not yet taken any decision on the proposal of the company.

Number of Officers and Upgradation of Posts

5453. SHRI RAMAVATAR SHASTRI: Will the Minister of RAILWAYS be pleased to state:

(a) whether there has been a large scale increase in the numbers of officers during last three years;

(b) if so, the total number of the posts of Officers created, Division-wise of each Railway since 1971;

(c) additional expenses to be incurred for this increase in posts; and

(d) the justification of such expenses in face of acute stringency of funds?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (d). The information is being collected and will be laid on the Table of the House.

Payment of dues to Railway employees involved in incident in N.C. Ghosh Institute at Danapur

5454. SHRI RAMAVATAR SHASTRI: Will the Minister of RAILWAYS be pleased to state:

(a) whether in March, 1973 incident in N.C. Ghosh Institute at Danapur (Khagaul), a number of Railway employees were involved out of which some were proceeded with and others were suspended or removed from service;

(b) whether all of them have been put back on duty and paid their dues, if not, the number of persons still to be put back on duty and paid their dues; and

(c) the reasons for not putting back some of the persons on duty and paying them their dues, if any?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes.

(b) All of them have been put back on duty and paid their dues except one who has been removed from service with effect from 23-8-73.

(c) Does not arise.

Number of Wagons in operation on Indian Railways

5455. SHRI B. K. DAS CHOWDHURY: Will the Minister of RAILWAYS be pleased to state:

(a) the number of wagons (in terms of four wheelers) now plying and in operation showing broad gauge, metre gauge and narrow gauge, separately for the last three years; and

(b) the total goods carried by Railway wagons in 1970-71 and thereafter annually?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Average number of wagons owned (in terms of 4-wheelers) are given below:—

	B.G.	M.G.	N.G.
1970-71 .	345,399	112,422	9,856
1971-72 .	346,994	110,571	9,809
1972-73 .	349,689	110,654	9,722
1973-74 . (upto Dec.)	358,554	110,128	9,677

(b) Total Revenue earning originating loading (all gauges);—

	(In thousand tonnes)		
1970-71 .	.	.	167,850
1971-72 .	.	.	170,079
1972-73 .	.	.	175,284
1973-74 . (upto Feb.)	.	.	148,260

Expenditure incurred on Maintenance of R.P.F. personnel during last three years

5456. SHRI B. K. DAS CHOWDHURY: Will the Minister of RAILWAYS be pleased to state:

(a) the total number of Railway Protection Force personnel serving the Railways during the last three years;

(b) whether with the increased expenditure on Railway Protection Force personnel, pilferages, complaints or claims from the commuters have been minimised by the efforts of the Railway Protection Force; and

(c) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) The total number of Railway Protection Force personnel serving the Railways during the last 3 years (As on 31st March) was as under:

Year	Total Number of Railway Protection Force personnel
1971	56,848
1972	56,919
1973	56,038

(b) Yes. There has been a reduction in the receipt of claims for compensation for goods stolen, pilfered or lost etc. during 1972-73 as compared to 1971-72. No compensation is paid by the Railways to commuters for the loss or pilferage of their personal luggage which is not booked with the Railways.

(c) Does not arise.

Cancellation of selection of Head Ticket Collectors, Alipurduar Division (Northeast Frontier Railway)

5457. SHRI B. K. DAS CHOWDHURY: Will the Minister of RAILWAYS be pleased to state:

(a) whether selection of two Head Ticket Collectors belonging to scheduled castes and tribes, which was upheld by recent judgement of the Hon'ble High Court at Gauhati, has been cancelled by the Northeast Frontier Railway, Alipurduar Division in contravention of the High Court's orders;

(b) if so, the salient features thereof; and

(c) steps taken to punish the officers responsible for this and if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No, the selection of two reserved community candidates one each from Scheduled Castes and Scheduled Tribes for the post of Head Ticket Collector on the Alipurduar Division of Northeast Frontier Railway has not been cancelled.

(b) and (c). Do not arise.

Use of Alcohol Blending fuel for Motor Vehicles

5459. SHRI N. K. SANGHI:
SHRI E. V. VIKHE PATIL:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the Inter-Ministerial Committee has already recommended immediate use of alcohol blending fuel for motor vehicles; and

(b) if so, when a final decision to develop alcohol as substitute for petrol will be taken?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) The Sub-committee set up by the Steering Group of Secretaries on Fuel Efficiency and Saving in Fuel Consumption recommended use of alcohol for blending fuel for motor vehicles.

(b) The Steering Group of Secretaries who considered the recommendations of the Sub-committee felt that the suggestion to use power alcohol for this purpose was not practicable as there is already more demand for this product within the country than its availability.

Running of Trains Cancelled due to Coal Shortage in Kerala

5460. SHRI K. P. UNNIKRISHNAN: SHRI VAYALAR RAVI:

Will the Minister of RAILWAYS be pleased to state:

(a) the names of trains cancelled in Kerala due to coal shortage; and

(b) the steps taken to restore normal running of those trains?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) A statement showing the names of trains cancelled fully or partially, due to shortage of coal from time to time in Kerala during December, 1973, January '74 and February '74 is laid on the Table of the House. [Placed in Library. See No. LT-6605/74].

(b) The trains which still remain cancelled, will be restored, as and when the coal position on Railways improves.

Production of Hydel Power in Southern Region

5461. SHRI P. R. SHENOY: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether production of thermal power is costlier than the production of hydel power;

(b) whether it is cheaper to produce hydel power than thermal power in the Southern region of the country considering the factors like cost, availability of raw material and requirement of foreign exchange; and

(c) what steps have been taken to explore all the resources available for the production of hydel power?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDHESHWAR PRASAD): (a) The relative economies of power generation from thermal and hydroelectric resources depend upon a number of factors. However, generally speaking, the thermal power is costlier than the hydel power.

(b) Hydel power has generally proved more economical than thermal in the Southern region.

(c) A systematic preliminary survey of the hydro-electric resources has been carried out. This is being followed up by a programme of field investigations of different hydel projects.

Creation of New Department for Attracting Parcel and Goods Traffic

5462. SHRI B. S. CHOWHAN: Will the Minister of RAILWAYS be pleased to state whether the Northern Railway Administration has created a new Department for attracting parcel and goods traffic?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): No new department has been created on the Northern Railway for attracting Parcel and Goods traffic, besides the Marketing & Sales Organisation set up for this purpose, as far back as in June 1967.

Availability of B.H.C. Tech. for Pesticides

5463. SHRI DALIP SINGH: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the total quantity of imports of B.H.C. Tech. during the last three years;

(b) the total production of B.H.C. Tech. in the country during this period;

(c) whether Government are aware that the small scale formulators of pesticides are facing closure due to non-availability of this chemical at fair price; and

(d) if so, the action taken by Government in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN):

(a) Imports 1971-72 Small quantity valued at Rs. 4000.

1972-73 Nil.

1973-74 Nil.

(b) Production: 1971 15,429 tonnes.
1972 17,330 tonnes.
1973 20,380 tonnes.

(c) and (d). Some representations have been received in regard to the difficulties being experienced by certain units owing to the inadequate availability of BHC needed by them for formulation. Presently, this pesticide is not subject to price or distribution controls, but producers of technical BHC have been asked to distribute 50 per cent of the material produced by them to non-associate formulators.

Setting up of a Thermal Power Station near Jhansi

5464. DR. GOVIND DAS RICHHA-RIYA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether Government have accorded sanction for the proposed

Thermal Power Station project at Parichha near Jhansi;

(b) the time likely to be taken in the implementation of the said project; and

(c) whether the difficulty regarding availability of coal has been solved?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT):

(a) to (c). The project proposals for the Parichha thermal power station near Jhansi, envisaging installation of 400 MW capacity and the availability of coal for it are under examination. The time likely to be taken for implementation would normally be five years from the date of according the sanction.

Pilot Plant set up by I.O.C. to produce Protein from Petroleum

5465. DR. KARNI SINGH: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the Indian Oil Corporation has set up a pilot plant to produce protein from petroleum; and

(b) if so, the salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) and (b). Pilot plant to produce protein from petroleum is located in the premises of the Gujarat Refinery of the Indian Oil Corporation. This plant belongs to the Indian Institute of Petroleum which is functioning under C.S.I.R. In order to facilitate regular supply of petroleum distillates to the plant, IOC has agreed to the location of the pilot plant in the refinery. IOC is assisting the project by providing facilities for the plant and personnel.

The protein fermentation unit in the pilot plant has a capacity of 50 K.G. per day. This unit is supported by pilot units for separation of normal

paraffins, solvent purification of yeast cells, spray dryer and quality control facilities. The protein from the pilot plant has been tested for experimental feeding animals. In due course the petro-proteins may be used for animal feeding on a large scale.

Meeting of Arab Oil Ministers at Cairo

5463. DR. H. P. SHARMA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the Arab Oil Ministers met at Cairo on March 10, 1974; and

(b) if so, what decisions of interest to developing countries, especially to India, were taken at the meeting?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Yes, Sir.

(b) No decisions of interest to India are reported to have been taken at meeting.

Gramophone Company of India Ltd.

5464. SHRI PRIYA RANJAN DAS MUNSI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the total percentage of Indian share in Gramophone Company of India (H.M.V.) at present; and

(b) whether any allegation has been made against this Company for violation of foreign exchange regulations by selling gramophone records abroad?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) As per the latest Annual return filed by the company, made upto 9-12-1972, Indian shareholding in the Gramophone Company of India Ltd. works out to nearly 40 per cent.

(b) According to the information furnished by the Enforcement Directorate, Department of Personnel, no proceedings have been instituted against this Company under the provisions of Foreign Exchange Regulation Act for selling gramophone records abroad. However, show cause notice dated 13th January, 1973 was issued by the Enforcement Directorate to the Company and its Directors as to why adjudication proceedings as contemplated under sec. 23D of the Foreign Exchange Regulation Act, 1947 should not be taken against them for having contravened the Provisions of section 18A of the Foreign Exchange Regulation Act, 1947 for entering into an agency agreement with Technicolors Limited, U.K. for distribution of Dyetransfer (Imbibition) Release Prints in India and earning Agency Commission without permission. The said proceedings are in process:

Foreign Drug Firms affecting working of Indian Drug Companies

5465. SHRI PRIYA RANJAN DAS MUNSI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether foreign companies are trying to collapse the Indian drug companies by duplicating the original medicines of Indian companies at lower rates; and

(b) if so, whether Government have taken any steps in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) It is presumed that the Honourable Member is referring to products of original research evolved by the Indian manufacturers. Government are not aware of any such cases of foreign companies duplicating the original medicines of Indian companies and trying to collapse them.

(b) Does not arise.

Selection of Claim Tracers on Western Railway

5470. SHRI ONKAR LAL BERWA:
SHRI PANNA LAL BARU-
PAL:

Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 2154 on the 28th November, 1972 regarding investigation into the selection of Claim Tracers on Western Railway and state:

(a) the particulars about the candidates (i) who applied for the post (ii) who were called for the test (iii) who were selected in the test alongwith their date of appointment, date of promotion and date of confirmation in their own cadre;

(b) what action has been taken by Government to regularise the irregularities committed;

(c) what action has been taken to regularise the promotion of those persons who were entitled to appear for selection but were deprived of the opportunity; and

(d) whether Government will order a probe into the manner in which this issue was handled and delayed by the Western Railway Headquarters office?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Applications from Commercial Clerks in grade Rs. 110-200 and above with minimum 5 years of service were called for the post of Claim Tracer in scale Rs. 150-240. 88 persons who were confirmed as Commercial Clerks in scale Rs. 150-240 were also called in the test.

(b) Those who were confirmed as Commercial Clerks were not eligible to be called in test. This action was subsequently regularised by the competent authority after consultation with the recognised unions.

(c) and (d). Those staff who would have been eligible for post of Claim Tracer, but for calling the confirmed

Commercial Clerks in the test, cannot be considered now for promotion as this would involve deconfirmation of a number of persons and complaints from other staff. However, eligible staff are being promoted against the existing vacancies on ad hoc basis pending suitability test.

Vacant Posts of Claims Tracers/ Assistant Commercial Inspectors (Western Railway)

5471. SHRI CHANDRIKA PRASAD: Will the Minister of RAILWAYS be pleased to state:

(a) whether a large number of posts of Claims Tracer/Assistant Commercial Inspectors are lying vacant in the Western Railway for years together; and

(b) if so, the reasons therefor and the exact number of vacant posts alongwith the dates from which they are lying vacant?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No.

(b) Does not arise.

Over-crowding in Ahmedpur-Katwa Trains

5472. SHRI GADADHAR SAHA: Will the Minister of RAILWAYS be pleased to state:

(a) whether the trains on the Ahmedpur-Katwa, Katwa-Ahmedpur Narrow Gauge line are over-crowded, if so, what arrangement is being made for providing adequate accommodation to third class passengers for safe and comfortable journey in the trains; and

(b) whether Government propose to increase the number of crossing stations and to double the line at some stations with all existing facilities between Ahmedpur and Katwa on the Narrow Gauge line and to run additional trains for reducing over-crowding of the passengers in the train and if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESH): (a) and (b). Over-crowding on some of the trains running on Ahmedpur-Katwa Section has been noticed. Introduction of additional trains on this section is however, not feasible at present for want of requisite Narrow Gauge Rolling Stock.

There is no proposal to double the Narrow Gauge line nor to increase the number of crossing stations on the section.

Completion of Power Generation Schemes in Fourth Plan

5473 SHRI S. R. DAMANI: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the expected shortfall of power generation in physical terms in the Fourth Plan targets; and

(b) the schemes which were scheduled to be completed at the end of Fourth Plan but are lagging behind and the special action taken to accelerate their completion?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT): (a) A shortfall of about 4.7 million KW is expected in the Fourth Plan targets.

(b) 28 schemes aggregating to 4.7 million KW, which were scheduled to be completed by the end of the Fourth Plan are slipping over to the Fifth Plan. These 38 schemes comprise 22 hydro schemes aggregating to 2.65 million KW, 15 thermal schemes aggregating to 1.85 million KW and 1 nuclear scheme aggregating to 0.2 million KW.

The following steps are being taken to ensure that there are no further delays in the completion of these schemes.

(i) Frequent meeting are held with the indigenous manufacturers of equipment to ensure expeditious delivery of equipment.

(ii) Assistance is being rendered to the various project authorities in the procurement of essential materials like steel, cement and gases etc.

(iii) It is proposed to set up a Central Monitoring Organization to keep a close watch on the progress of these projects, identify bottlenecks and take timely action.

Restoration of Power cut in U.P.

5474 SHRI S. M. BANERJEE: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether power cut in U.P. has been resorted; and

(b) if so, to what extent?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) and (b). Uttar Pradesh has been imposing power cuts in varying degrees from time to time depending upon the power shortages in the system. The restrictions in force in the State are given in the attached statement.

Statement

The details of restrictions imposed by Uttar Pradesh State Electricity Board are as under:—

(i) Supply in district Headquarters and specified towns having a population of 30000 or more is switched off for 3 hours a day from 6.00 a.m. to 9.00 a.m.

(ii) Supply in areas other than district Headquarters and specified towns for tubewells and industries is given for 9 hours during night and 5½ hrs. during day by rotation.

(iii) (a) Non-continuous industries in district Headquarters and specified towns are allowed supply for one shift during night from 9.00 p.m.

to 6.00 a.m. for 5 days a week. Spinning portion of textile mills and powerlooms are allowed to run one additional shift during day from 9.00 a.m. to 6.00 p.m. All rice mills in the State are allowed to work in one shift only between 9.00 p.m. to 6.00 a.m.

(b) All petrol pumps with service station having 3 phase motors have been allowed to work from 2.00 p.m. to 6.00 p.m. in addition to night supply from 9.00 p.m. to 6.00 a.m. next day.

(iv) (a) continuous process industries are required to observe a block closure of 10 days in a month or to reduce the demand by 50 per cent Vanaspati manufacturing units are exempted.

(b) Electric supply to M/s Kano-ria Chemicals manufacturing caustic soda and Ms Hindalco manufacturing aluminium, steel are furnaces and cement industries have been ordered to be cut off completely.

(v) Cinema in district Headquarters and specified towns are not permitted to run show between 3.30 p.m. and 6.30 p.m.

(vi) Sugar mills in the State have been allowed continuous supply due to crushing season.

(vii) Lift pump canals having independent feeders are allowed to run 10 days in a month. Remaining lift pump canals are allowed supply as in item (ii) above.

(viii) New industrial connections are being given supply on a very limited basis.

(ix) Electricity supply to the decorative and advertising neon signs and display boards are completely stopped all over the State.

(x) In addition to above, there is 40 per cent energy cut on the basis of actual average consumption during the period from July 1971 to June, 1972.

Disposal of Election Petitions

5475. SHRI R. P. ULAGANAMBI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of election petitions filed in connection with the Lok Sabha elections of 1971 still pending, together with the names of constituencies;

(b) whether there are cases where even the main issues have not been framed so far; and

(c) whether any directives have been issued by the High Courts/Supreme Court to dispose of the petitions within a period of six months?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) 3 petitions in the High Courts and 9 appeals in the Supreme Court are pending. A statement containing the requisite information is being laid on the Table of the House. [Placed in Library. See No. LT-6606/74].

(b) Government has no information.

(c) The Courts are obviously aware of the provision contained in subsection (7) of section 86 of the Representation of the People Act, 1951 which provides that every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial. The question of issuing any directions does not arise.

Reports of Alleged Intimidation of Harijan Voters by some Politicians in U.P.

5476. SHRI R. P. ULAGANAMBI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Election Commission has received reports of intimidation

tion of Harijan voters by some politicians in several districts of Uttar Pradesh; and

(b) the steps taken by the Election Commission to enable the Harijan voters to exercise their franchise in full freedom during the ensuing general elections in U.P.?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) A joint complaint has been received on 14th January, 1974 from the Secretary C.P.I., Banda, the Secretary, District Socialist Party Banda and an M.L.A.

(b) During the last general election in U.P., the Election Commission had increased the number of polling stations for the convenience of Harijan voters and voters of the weaker sections of the community. It had also requested the State Government to maintain law and order during election period and to take adequate precautions in this regard.

Power Generated by Public Sector Power Houses

5477. SHRI E. V. VIKHE PATIL: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) the total electricity generated during the period July-December, 1973 by various public sector power houses in each power zone as against the power generated during the corresponding period of 1972, power house-wise; and

(b) the progress made in creating additional power generation capacity during the year 1973?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): (a) A statement showing the total electricity generated during the period July-December, 1973 by various public utility undertakings in each region and the power generated during the corresponding period of

1972, power-house wise, is laid on the Table of the House. [Placed in Library. See No. LT-6607/74].

(b) An additional generating capacity of 612 MW was added during the year 1973.

Scheme to Augment Production of Ethanol

5478. SHRI E. V. VIKHE PATIL: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether in view of the oil shortage in the country, Government have any schemes for considerably augmenting the production of ethanol with the available sugar mill and khandsari molasses or other agricultural and biological wastes, industrial effluents and sewages; and

(b) if so, the broad outlines thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b). With a view to obtaining optimum production of alcohol with the available sugar mill molasses, a provision has been made in 1972 in the Molasses Control Order 1961 for separate funding by the producers of 33 per cent of the price fixed for molasses to be utilised for erection of adequate storage facilities.

Government is examining the feasibility of augmenting the production of ethanol with Khandsari molasses or other sources.

Exploring possibilities of Re-refining of Industrial and Engine Oil Wastes

5479. SHRI E. V. VIKHE PATIL: Will the Minister of PETROLEUM be pleased to state:

(a) whether Government have conducted or plan to conduct exploration of possibilities of re-refining and re-cycling of industrial and engine oil wastes; and

(b) whether Government contemplate to conduct studies in the possible use of ethanol (power alcohol) to replace kerosene and petrol as an illuminant and to run internal combustion engines and irrigation pump sets thereon?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Several organizations such as Indian Institute of Petroleum, Dehradun, Regional Research Laboratory, Jorhat and Defence Research Laboratory, Kanpur have worked out processes for the re-refining and recycling of industrial and engine oil waste. A number of plants based on these processes have been established. Steps are also being taken for the wider use of such processes, especially by major consuming organizations such as the railways, road transport corporations, etc.

(b) Because of the overall shortage of alcohol in the country, Government is finding it difficult even to meet the full demand of the industries, such as Organic Chemicals, Synthetic Rubber, Pharmaceuticals and Pesticides etc., requiring alcohol as the raw material. If any surplus quantity of alcohol becomes available at any time, this possibility will be duly considered.

Impact of Increase in prices of Crude Oil by Oil Producing Countries

5480. SHRI JYOTIRMOY BOSU: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the impact of steep enhancement of the prices of crude oil by the Oil producing and exporting countries on India;

(b) the quantity and value of crude imported during 1972-73 and 1973-74;

(c) estimated cost of import of crude during 1974-75 at the 1973-74 level of import; and

(d) the impact of last year's enhancement of Central Excise duty on petroleum products on the petroleum consumption in the country?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) As a result of the steep increase in crude oil prices since the beginning of 1974, the foreign exchange requirements for the import of crude oil and deficit products have steeply increase. Intensive efforts are, therefore, being made at all levels so as to ensure that there are no undue strains on the economy of the country.

(b) The information is as indicated below:—

Year	Quantity in '000 tonnes.	Value in Rs./crores.
1972 . . .	12,310	144.25
1973 . . . (Provisional)	13,386	240.71

(c) It is not possible at this stage to indicate the estimated cost of import of crude during 1974-75 because of uncertainty of crude oil prices.

(d) As a result of increase in the excise duty of Rs. 1/- per litre on Motor Spirit (petrol) in November, 1973 the demand for the same recorded a shortfall to the extent of 19.2 per cent in November, 16.9 per cent in December, 1973, 23.8 per cent in January, 1974 and 19.5 per cent in February, 1974 as compared to the corresponding months of the previous year instead of growth rate of 5.3 per cent registered during January—October, 1973. With the near equalisation of prices of HSD and kerosene through fiscal measures, the consumption of HSD recorded a growth of 16.2 per cent during November, 1973—February, 1974 over corresponding period of the previous year instead of 11.6 per cent growth recorded during period January—October, 1973, over the period January—October, 1972.

Crash Programme for Oil exploration to meet Shortage

5481. SHRI DHAMAKAR: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether in view of acute shortage of oil and crude, Government have drawn up any crash programme for the exploration of oil not only on land but from one-shore and continental shelf-areas;

(b) if so, whether any seismic survey ships are proposed to be acquired to undertake independent geological survey in the Shelf-area and at what cost;

(c) when the seismic survey is likely to be completed and whether any foreign collaborators would also assist in the survey; and

(d) whether Government would go in for another custom-built drilling platform with a view to stepping up drilling operations in shelf areas and what would be the basis of the design for the platform and with whom the orders would be placed and when?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Yes, Sir. The crash programme envisage stepping up of production of crude oil from the present level of approximately 7 million tonnes per annum to 12 million tonnes per annum by 1978-79.

(b) Yes, Sir. The ONGC have placed orders for a fully equipped seismic survey ship at a cost of U.S. \$4.10 million approximately.

(c) Survey is a continuous process and completion is likely to take a number of years. At present negotiations are going on with some foreign Companies being allowed to explore for oil in certain continental shelf areas which have been thrown open for bidding. In case they are permit-

ted to take up the work, they are likely to conduct seismic surveys of their areas through their own agencies. The result of such surveys will be available to the ONGC.

(d) No decision in this regard has yet been taken.

Saving of Petroleum from Coal-based Fertilizer Plants

5482. SHRI TRIDIB CHAUDHURI: Will the Minister of PETROLEUM be pleased to state:

(a) the total number of coal-based fertiliser plants finally sanctioned, their location and estimated cost;

(b) the saving in petroleum, both in terms of quantity and foreign exchange thus secured; and

(c) the total petroleum requirements for naphtha-based fertiliser projects now in operation and in all fertiliser plants?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) So far three coal-based fertilizer plants have been approved and are under implementation, one each at Talcher (Orissa), Ramagudam (A.P.) and Korba (M.P.). According to the present estimates, each of these projects is expected to cost about Rs. 118 crores.

(b) These three plants, had they been based on petroleum feedstock, would have required about 687,000 tonnes of petroleum products every year. At an import price of about \$80 per tonne of petroleum product, the foreign exchange outflow would have been about \$55 million per year for the combined capacity of the three projects.

(c) About 4.1 million tonnes of naphtha were required for the manufacture of fertilisers during the Fourth Plan; the total consumption during Fifth Plan is estimated at about 10.7 million tonnes.

Punctuality Index of Trains running between Sealdah and Lalgola and between Howrah and Barharwa

5483. SHRI TRIDIB CHAUDHURI: Will the Minister of RAILWAYS be pleased to state:

(a) the punctuality index in the running of ordinary passenger trains, fast passenger trains and express trains on the Lalgola Section of the Sealdah Division between Sealdah and Lalgola and between Howrah and Barharwa on the main line and B.A.K. Loop line in the Eastern Railway; and

(b) whether there has been any marked deterioration in the running of passenger trains on these two lines and if so, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). No Express train runs on Lalgola Section. The punctuality percentage of Passenger and Fast Passenger trains on Lalgola section of Sealdah Division has been varying from 64.5 per cent to 20.0 per cent during the period August, 1973 to January, 1974. On Sahibganj Loop, the punctuality percentage of Mail/Express trains has varied from 63.0 per cent to 39.7 per cent and of Passenger and Fast Passenger trains has varied from 54.5 per cent to 41.1 per cent during the same period. On the B.A.K. Loop, the punctuality percentage during the period August, 1973 to January, 1974 for the trains has varied from 47.5 per cent to 20.9 per cent.

The unsatisfactory running of trains on these sections has been due to the general unsettled conditions on the Railways on account of various staff strikes and agitations, power failures and rampant alarm chain pullings.

Absorption of Employees of Farakka Barrage Works

5484. SHRI PRIYA RANJAN DAS MUNSI: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether any demands of the employees of Farakka Barrage Project

Works, including works charged employees, have been pending for the last three years;

(b) whether Government have taken any decision about the absorption of the employees of Farakka Barrage Works; and

(c) the number of employees of the Farakka Barrage Project Works which are within the service record of ten years and five years upto January, 1974?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT):

(a) The demands of the employees of the Farakka Barrage Project including the workcharged staff are always considered sympathetically and met wherever possible, but there are some demands on which decisions have not yet been taken.

(b) It has been decided to make all efforts to find alternative employment for the staff likely to be rendered surplus on the completion of the Farakka Barrage Project in the other works of Central/State Governments, Public Undertakings etc.

(c) 390 employees have served for ten years and 2,180 employees for five years.

Impact of Oil Crisis

5485. SHRI P. NARASIMHA REDDY: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the extent to which availability of oil has been affected by the deepening oils crisis and the estimated consequent impact on the different sectors of consumption in the country;

(b) the efforts made to soften the blow to developing countries like ours; and

(c) the steps proposed to secure rational and optimum utilisation of scarce oil?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) to (c). In view of the steep increase in the price of crude oil, the availability of oil may not be commensurate with needs. Efforts are, therefore, being made at all levels to ensure that there are no undue strains on the economy of the country. These include:

(i) Placing increasing reliance on alternative sources of energy, particularly coal;

(ii) Curbing the non-essential consumption of oil products;

(iii) Maximising exports to meet the cost of oil imports for the essentially needed requirements of the economy;

(iv) Intensifying activity for maximisation of indigenous production of crude oil etc.

With a view of softening the impact of the increase in crude oil prices, bilateral arrangements with a number of Gulf countries have been or are being entered into.

Amar Dye-Chem. Ltd.

5486. SHRI D. B. CHANRA GOWDA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether one major unit manufacturing dyestuffs downed its shutters and another is on the verge of closure for want of fuel oil in Bombay;

(b) if so, whether there are some more units which are facing difficulties; and

(c) the steps Government propose to start functioning the Amar Dye-Chem. Limited?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) to (c). M/s. Amar Dye Chem. Ltd., are reported to have closed down their factory for want of furnace oil for a few days during December, 1973 and February, 1974.

A Standing Committee under the Chairmanship of Secretary & Director General, Technical Development has been set up to regulate Furnace Oil supplies in a manner that will not unduly depress industrial production particularly for the essential industries. The committee decides on the scheme of allocation every month taking into account the availability of furnace oil. For the present Oil Companies are meeting 90 per cent of the requirements of all industries based on their past offtakes. It is expected that a 10 per cent saving can be achieved by taking economy measures in the use of Furnace Oil and by improved efficiency without affecting production.

12.00 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED ACUTE POWER SHORTAGE IN CERTAIN STATES

SHRI S. M. BANERJEE (Kanpur): I call the attention of the hon. Minister of Irrigation and Power to the following matter of urgent public importance and I request that he may make a statement thereon:—

“The reported acute power shortage in Uttar Pradesh, Faridabad Industrial Complex of Haryana, Gujarat, West Bengal and several other States.”

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT): Large parts of the country are currently facing a power shortage. The areas where the situation is difficult cover U.P., Haryana and Punjab in the northern region, Andhra Pradesh, Karnataka and Tamil Nadu in the southern

region, the D. V. C. area and West Bengal in the eastern region, Lower Assam in the north-east and Goa in the West. Because of the power shortage, restrictions have been imposed on power supply in the different States by the concerned State Government.

Primarily, the current power shortage is due to generating capacity not keeping pace with the growth of demand. Over the Fourth Plan period the demand for power has increased by nearly 70 per cent while the generating capacity has risen by only 30 per cent. Against the target of 9.25 million kw to be added to generating capacity (almost entirely in the States) in the Fourth Plan to take it to nearly 23.3 million kw at the end of the Plan, only 4.26 million kw of additional capacity could be commissioned. This large shortfall of nearly 54 per cent in adding generating capacity is the single largest factor responsible for the current situation. In absolute terms, the aggregate of energy shortages over the year in the different areas is of the order of 7,500 million units during the year i.e., about 10 per cent of the requirement of about 74,000 million units during 1973-74. But even this average percentage of shortage does not truly reflect the situation in the different regions and States where the extent of shortage experienced in specific areas for limited periods may be vastly different.

The House will recall that most parts of the country passed through an acute power shortage during the period October 1972 to June 1973. With the replenishment of most of the hydel reservoirs following the monsoon rains of 1973 the power supply position returned to normal almost throughout the country. The notable exceptions were U. P., where the Riband reservoir failed to receive any significant replenishment by the 1973 monsoon rains and the D. V. C. area where frequent outages of thermal units continued to occur. The power position in U. P., therefore, continued to

be difficult and has become critical in recent months. In the D. V. C. area too the power supply position continued to be difficult though there was tangible improvement during November 1972 to January 1973 and again recently due to the determined efforts made to improve the operation and maintenance of the thermal power stations. The shortage in Karnataka continued because of inadequate rains in the Shravati catchment area. Shortages began to be felt in the Andhra Pradesh and Tamil Nadu power systems from October 1973 and these shortages continue. In Haryana, where shortage began to be felt soon after the monsoon season, the position worsened with the progressive increase in agricultural loads and the worst sufferer has been the industry. In Punjab the shortage which started as a marginal one, got accentuated with the increase in agricultural load and the failure of the winter rains. Gujarat and West Bengal also face shortages at present.

The Ministry has had detailed discussions with the State Electricity Board to assess the extent of the power shortages in the different States, their impact on the economy and the measures to be taken to relieve the situation to the extent possible. The outlook for the period upto the onset of the next monsoon rains may briefly be summed up thus: In Himachal Pradesh, Rajasthan, Jammu and Delhi in the northern region, in Madhya Pradesh and Maharashtra in the Western region, in Kerala in the South, in Orissa and Bihar outside the D.V.C. areas, the power supply position will continue to be generally satisfactory. Haryana, Punjab, U.P. and the Kashmir Valley in the northern region, Andhra Pradesh, Karnataka and Tamil Nadu in the southern region, Goa in the West and D. V. C., West Bengal and Lower Assam in the East will face shortages both in terms of energy requirements and peaking capacity. The position in Gujarat which is currently facing a shortage of peaking capacity, will improve after

the first unit of Ukai Hydro Electric Project is commissioned later this month.

The Central and State Governments have been making concerted efforts to relieve this situation by measures designed to maximise availability of power from the existing power stations, speeding up the commissioning of new generating units and construction of transmission lines, transfer of power from pockets of surplus or relatively better availability to the deficit areas across State and regional boundaries, rational use of the available power to meet the requirements of the essential services and the priority sectors of the economy in the best manner possible, and austerity in the consumption of power.

An installed generating capacity of about 2 million kw is expected to be added during 1974-75. The progress of construction of the projects which will contribute to this addition is being watched closely to ensure that they do not fall behind schedule. The commissioning of these projects together with the measures earlier mentioned by me will, I hope, go a long way in improving the power situation in 1974-75, if we have a good monsoon in 1974. However in view of the uneven distribution of the additions to capacity and increases in the anticipated demands, we shall not be wholly free from power shortages in some States. The systems which have to be watched carefully in this regard are U. P., Haryana, Karnataka, Tamil Nadu, Madhya Pradesh, D. V. C. and West Bengal.

I am having the projections of the power situation with reference to demand and availability over the next five years, ten years and fifteen years carefully studied to examine what further steps, if any have to be taken to make up the leeway as expeditiously as possible and meet our requirements adequately in the coming years.

SHRI S. M. BANERJEE: I am surprised to read the statement which is just like a tale told by a Minister, full of assurances signifying nothing. Ultimately, he has said:

"The commissioning of these projects together with the measures earlier mentioned by me will I hope go a long way in improving the power situation in 1974-75, if we have a good monsoon in 1974".

So either it is God or nobody.

The question is this. In UP alone, there is a heavy power cut and only 25 per cent is being given. Before the general elections in UP, it was increased from 30 per cent to 60 per cent. I do not know where from they got power then. All the textile and jute mills in UP started working 16 hours, two shifts. After the announcement of the results of the elections and the success of the ruling party it has been reduced to one 8 hour shift. All the textiles mills in Kanpur, Man-nath Bhanjan and other places, are working only 8 hours a day. More than 13,000 substitute workers have been sacked and 54,000 workers are just on the streets earning not even one-third of their wages. Then all the engineering units, whether large, medium or small, are facing closure. The workers have refused wages on the grounds that this is neither a natural calamity nor the fault of the employees. They were not given any wages. Yesterday, in Kanpur there was a huge demonstration by all unions demanding full wages and the restoration of the power-cut.

Then the ordnance factories which are manufacturing the most sophisticated weapons for the army have been threatened with closure. I do not know how the ordnance factories and the rayon factories are continuing if this particular power-cut continues, and which is to the tune of 20 per cent. We were assured in this House that every step was being taken to have a

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national grid and they would supply surplus power to those States, especially Haryana, Uttar Pradesh, Tamil Nadu parts of Bihar and also Jammu and Kashmir. I do not know how they will be given power.

In West Bengal in Calcutta and Hooghly, load-shedding is extensive, up to eight to 10 hours per day. Nobody knows when it is going to be powerless. Nobody knows, not even the Minister. There, complete anarchy is going on; there is no ration. All the industries are idle for 20 to 30 hours per week. The jute workers, I was told, were to get at least 50 per cent of the wages, but they are not getting even one-third of the wages. All the engineering units practically are facing closure and because of the non-availability of both gas and power. They say that the Electricity Supply Corporation Calcutta,—a British-owned concern—recently was allowed to increase the cut from 20 to 30 per cent. There was a unanimous demand by all the Opposition parties that this should be taken over by the Government, and the Government assured them that they will be taken over. Instead, when there is power crisis going on and the people in Calcutta and other parts in Bengal are not able to get electricity, this British-owned company has been allowed to increase it to 30 per cent.

There is a breakdown in Durgapur Bandel and the DVC power stations. I would like to know from the hon. Minister what has happened to the power station at Santald. This was commissioned with great fanfare by the Prime Minister, several months ago. But uptill now it has produced no power. I would like to know what has happened to this.

I would also like to know what has happened to the Thein dam in Punjab; three States were concerned with it. It was to be completed in 1970, but still, the thing is hanging fire and no action has been taken by the Central Government. Though Punjab and Haryana and Himachal

Pradesh have agreed to take up this project which has been given to them no decision has yet been taken.

I want to know from the hon. Minister another thing. Recently at Bhuvaneswar,—yesterday—the Prime Minister referred to the strike by railwaymen, by saying that some of the railway employees are holding the country to ransom. I would like to know, who is holding the country to ransom. When people want to produce, they are not allowed to produce. A slogan was given earlier: "Produce or Perish." The people have produced but they are non perishing. I would like to know who is responsible for this. When the employees are arrested for stoppage of production under the DIR, is it not high time that all the chiefs of the Electricity Boards were arrested under the DIR and put behind the bars? But no action has been taken. There is now the power famine, which has continued from the last four Plans and I do not know what the fifth Plan is going to give us. What is this planning? Did they not anticipate the growth of industrial units during this Plan? Did they not know before-hand that there had to be some planning and there was enough industrial growth in the country? Now, he says that it has increased from 20 per cent to 30 per cent. What a sad commentary on our country? I would like to know when this situation is likely to improve, and whether the Government will assure us that those workers who are being paid off or laidoff or have been retrenched because of the power shortage—whether it is the Central Government or the State Government or the employers—will be paid full wages. I had been to Faridabad yesterday and saw the situation in respect of practically all the units. I do not know what is going to happen. The same thing is happening in Bengal; in U.P. also. If they are unable to give wages to the workers it would create a law and order situation. No use of speeches and sermons asking people to tighten their belts and threats of D.I.R. etc.

We have told this to the workers. If the position does not improve in a month they will go on strike and show the Government that they are united on this issue. They have sold their utensils and they are starving. It is happening to the Textile workers of Kanpur. What positive steps have been taken to see that the situation improves immediately in these States where power supply is only 20 per cent or 30 per cent? It is so in Haryana, U.P., parts of Bihar, Tamil-Nadu and Gujarat.

What has happened to the national grid. Dr. Rao assured the House that it would come up. He has gone. I want a high power commission headed by some eminent experts to go into this matter and let Members of Parliament be associated with it. The U.P. Chief Minister had been demanding two generators and they want import licence. They said: we shall give from Bharat Electricals Hardwar. It never come. Our thermal power is working 50 per cent. My friend Mr. K. C. Pant is an engineer; I am not; I understand that rain has something to do with hydel power, not with thermal power or nuclear power. Let us not depend upon the mercy of God; let us not bring in God because he is not a member of this House. Let us depend upon the efficiency or inefficiency of the Government. I hold this Government solely responsible for creating this kind of a situation. It is they who are holding the country to ransom, not the workers. If things do not improve, they will go on an indefinite strike. They cannot get food; they cannot get clothes. I demand a high powered enquiry committee to go into the whole matter and let responsibility be fixed on the persons concerned.

SHRI K. C. PANT: Rainfall does affect power production. As a matter of fact we have seen that last year because of shortage of rainfall in the catchment areas, in Rihand and Shrivati there has been shortfall in power production from hydro electric projects in these two States. It certainly

affected the overall power position in the two States. Usually that does not affect thermal plants but in the case of Rihand my friend knows that the tail race water of Rihand hydro electric project is used for cooling purposes in Obra thermal project. To some extent therefore, it also affects production in Obra. Together, Obra and Rihand constitute a very large segment of power capacity in U.P. These are factors which are material and have to be taken into account.

Then, Sir, so far as his suggestion that UP should be helped by neighbouring States is concerned, I would like to assure him that the neighbouring States have been very very helpful to U.P.

SHRI S. M. BANERJEE: Even during election, it was 60 per cent. Now, it has been reduced to 20 per cent. Why don't you have another election?

SHRI K. C. PANT: There is a reason for that, which he will understand fully, if he thinks about it seriously. The assistance given by the neighbouring States began some time in October last year and the relief varied from 2 million KWH to 2.8 million KWH per day. This relief came from Badarpur, Punjab, Haryana, Madhya Pradesh Rajasthan and Bihar. All the neighbouring States helped to the extent they could. I must say, there was a spirit of cooperation and understanding between the States which brought this about. But, later on, winter rains failed in various parts of Northern India, as my friend knows very well and wheat crop began to get affected. Irrigation was needed by all these States and many of them are major wheat growing States in the country. Therefore, they began to need more power for their tube-wells and more power was diverted for their tube-wells and they had less to spare for U.P. In the Bhakra system, the amount of rainfall in the catchment areas so far has been less than it was last year, and there again, Bhakra is producing now slightly less than it could have, had there been more rainfall. These are factors which are

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affecting power supply in U.P. and these are factors which we cannot ignore, because of the necessity to produce enough wheat, about which all of us are aware.

The question of national grid was raised. The aim is to have a national grid, but it is bound to take time. Regional grids are coming up, and but for the regional grids, it would not have been possible for all these States to go to the help of U.P. at this time. But, now, when Haryana is in deficit and when Punjab is in deficit, it is not possible to do it. But, I know that between the Western Regional Grid and Southern Regional Grid, there was some transfer of power at one stage. Therefore, international transfer of power is also taking place, but, I cannot say that we have a full-fledged national grid which we are aiming at. Connections are growing, but, we should have high voltage lines if the national grid is to become a reality.

So far as the position in Bengal is concerned, I had been to Calcutta only recently and I met the officers and the Minister there. They are trying their best. After all, this is a matter which concerns the State Government normally. We are also trying to help them. In Bengal, we have a direct responsibility to the DVC and we have been trying to raise the power production from the DVC network. As I said in my statement, there has been some perceptible improvement in DVC in the last few months except in the month of February and the improvement has been such that steel and coal, the two basic industries which require power, are being supplied most of the power that they need now. The surplus then goes for other purposes. Coal, steel and Railways are the first priority consumers and I was told that DVC has been supplying its due supply, that is, 75 MW, I think, to the West Bengal system. But, he knows the difficulty in Bandel on account of break-down of machinery which is creating a problem. Two of the transmission towers came down and created problems and in Santaldih, it is not right to say that no power

has been produced. But, not enough power has been produced. There is some difficulty in respect of...

SHRI INDRAJIT GUPTA (Alipore): How much has been produced in Santaldih?

SHRI K. C. PANT: I do not have the figures. They said that some power has been produced. One transmission line was not there and they were feeding it into another system. This is what I was told. I made enquiries about Santaldih myself. The operation and maintenance side have been taken care of to the extent possible, in the DVC system. There are some defects in design which cannot be got over so quickly. But, in regard to spare parts and other things, which we can manage in a relatively short time, we are getting foreign exchange for the import of these materials. We have flown spare parts, wherever it was necessary in order to reduce the time required for overall maintenance etc.,. Sometimes the quality of coal received by these units has also posed a problem. We have been getting all the assistance we can from the Ministries of Coal and Railways for movement and ensuring good quality, but they have their own difficulties which we appreciate. I think it will take a little time before the power plants can get the kind of coal they require in every case.

He referred to the Thein Dam and the fact that the three States had agreed. I have been discussing with the Punjab and Haryana Government the distribution of waters between them and I am afraid so far they have not come to an agreement. The Central Government can take a decision under the powers flowing from the Punjab Reorganisation Act, but I think it is better in this matter to carry the States with us as far as possible. Otherwise, it leaves some bitterness behind. We are trying to expedite the matter so that the Thein Dam can be proceeded with quickly.

He wanted to know how we would try to ensure that production from

these power plants would be hastened or the construction would be completed on time. As the States are constructing the power plants, it is very difficult for me to give a categorical assurance, but we are trying to set up a monitoring system in Delhi which will keep a close watch on the power projects which are under construction with a view to helping the States wherever bottlenecks arise. If they have any difficulties in regard to scarce materials etc., we will try to help them out as much as we can. This is the only way we can help the States in this matter.

Faridabad normally gets a certain supply from certain DESU plants. But where there has been a surplus in these power units, that has gone to Haryana. From Badarpur, something has gone to Haryana. Nangal fertiliser plant has been good enough to agree to reduce its intake of power for some time, so that Punjab and Haryana can get some extra power during this period for irrigation. Again, there has been a spirit of cooperation here to help Punjab and Haryana. But there are limitations in the overall power supply which cannot be got over quickly.

He said, there should be immediate improvement. I can't hold out any such promise. It is not possible to set up a new power plant quickly. It takes time. But we are trying to expedite the completion of the projects which have spilled over from the fourth plan. That is a feasible proposition and I have mentioned it in my main statement also.

He referred to the two generators which were sought to be imported by U.P. but which Bharat Heavy Electricals said they would supply. It is true. He will appreciate that if Bharat Heavy Electricals say they can supply, they should be given this opportunity and we cannot allow imports if they assure supply in time. That is a matter of general policy.

Finally, he said that workers would be asked to go on strike. My only request to him is, if he thinks that power supply will increase by their going on strike, they are welcome to do so. Otherwise I do not see how the situation will be helped by the strike.

SHRI S. M. BANERJEE: I asked whether he is prepared to appoint a committee of experts to investigate into the matter as to why the situation has come to this pass. Then, why should thousands of workers lose their wages because of the power cut?

SHRI K. C. PANT: No commission is necessary to go into the causes. What is more necessary is to take steps to see that the projects which are under construction are expedited. Rather than to go into the causes, what caused the delay in the past, we are trying to see the positive part of the programme to see that these projects are accepted and are commissioned quickly. I think that is the need of the hour. I cannot deal with the labour question.

SHRI N. K. SANGHI (Jalore): The hon. Minister has made a very wide statement on the power crisis facing the country, particularly the Northern States. He has also tried to answer Shri Banerjee in a very long statement, giving the various reasons. One factor is very clear from the statement, namely, that the power crisis in this country is heading towards a serious situation: In 1972-73 it was related to the rains. But last year, even though we have had very good rains, even then the situation has not improved.

What he has mentioned in this statement is that in the Fourth Plan, as against the desired capacity of 9.25 million kw, we had been able to generate only 4.26 million kw. There is a spill-over. He said that while they will do their best he cannot give any guarantee. What is the Fifth Plan target? We want 18.5 million kw. of electrical energy to be created in this country in the Fifth Plan. With the small increase in power supply when

the Fourth Plan schemes are completed, we will have hardly 50 per cent of the target achieved. Are we to understand that we are going to be in the same serious situation year after year, and whatever we discuss here is not going to have any effect, as far as the industrial and agricultural development of the country is concerned?

The energy crisis has got a shadow on our economy as a death warrant. The industry has come to a grinding halt not only in Faridabad in Haryana but in many other States. Today it is a big crisis and in this crisis the most surprising part is one does not know what will be the position next hour. The Faridabad industrialists have been saying that they know and appreciate that there is shortage of energy but the shocking part is that they do not know by what time they are going to get energy, between what time and whether it will be in the night or day, or whether they are going to get it after an interval of five or six days. It is a very serious matter and somebody has to be held responsible for this peculiar situation in the area. We can understand shortages in the country. One may have to eat a little less or put up with a little difficulty. That one can understand. But unless you give them energy, even as a ration if necessary, how can they work? This is one of the pitiable conditions that has been created in the country.

It is quite clear that the programme of the Fifth Plan for the development of energy targets would not be able to see the light of the day. It is a difficult matter. We find that most of the thermal plants are not working due to shortage of coal. Whenever we discuss the coal situation, the railways say they have sufficient capacity to carry the coal but they do not get the coal. On the other hand, the steel & Mines Ministry says that it has sufficient coal but the railways are not able to carry the coal. This has created a funny situation.

Then, is it a fact that the Planning Commission had advised the Punjab

Government not to put up a thermal plant at Rupar and not to go ahead with the third phase of the Bhatinda plant because of the coal shortage? If such a guideline has been given by the Planning Commission to the various State Governments, not to go ahead with their thermal plants which are being commissioned. I do not know what the situation is going to be. With a backlog of our energy crisis, if we do not go ahead with whatever plants are coming up, the situation is going to be very very serious, and some light should be thrown by the hon. Minister as to what is happening.

Then, we are told that in U.P. there are as many as 50 generating sets lying idle out of which are five are thermal sets with a capacity of 15,000 kw. which are to be installed. What has happened to their installation? When there is power shortage, why could they not be installed.

I am reminded of a newspaper report in which the Chief Minister of Uttar Pradesh is reported to have told the industrialists that high-power consumption industries are free to move out of U.P. to other States. It is a very funny statement to be given by the Chief Minister. It shows frustration, it shows only defeatism that the Government are not thinking in terms of increased power generation in the coming year and that they have practically made up their minds that they do not want any more industries which are consuming more power. This is a matter which has to be looked into because we have different statements from different places, giving the feeling that the Government is not going to think on right lines to arrange that we have sufficient energy.

Then I would like to draw attention to the atomic power plant at Kota. What has happened to that? Though its first stage was scheduled to produce 200 mw, presently it is giving hardly 50 mw. It is afflicted by recurring breakdown in the machinery. We had invested our precious money to build a mighty power project and yet in the first stage of its working we are hardly

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getting 25 per cent of the rated capacity. We do not know how much time it will take to complete the second stage. I am sure if this plant had been commissioned earlier, the power shortage, particularly in Haryana, U.P. and Rajasthan, could have been well taken care of.

There is a report that the water level in the Gobindsagar dam is fast depleting. This is the dam which supplies water to the Bhakra Dam. If the water in Gobindsagar is fast depleting, what will be the supply position in Bhakra? And Bhakra is the one project which is giving regular supply to U.P. and Haryana and if there is any bottleneck in that supply, what is going to happen to the power supply to these States? Has any assessment been made about the water level in the Gobindsagar, which is mentioned in the newspaper reports?

Then, I would like to know whether the Rajasthan Government have written to the Central Government regarding the setting up of a thermal power plant in Kota in the Fifth Plan. Rajasthan is one of the very backward States and in the background of this energy crisis unless we go ahead with these projects I do not think we can go ahead with speed in power generation.

Finally, I would like to ask the Minister whether he will have a new outlook on the power shortage all over the country and whether the whole matter will be re-examined. Are you thinking of setting up a National Power Commission with an integrated outlook so that it can consider what are the present difficulties that can be solved by discussing these matters?

The hon. Minister said that recently he had a meeting with the authorities of the electricity boards of various States. What is the result of the meeting? Is the Government going to increase power production in the various States? What are the conclusions of that meeting? Has the Government

thought about better distribution between the industrial belts and the agricultural sector and if it will be strictly adhered to? I would like to have some definite information from the hon. Minister on the various points raised.

SHRI K. C. PANT: My hon., friend said that there were good rains in 1973: This is generally true. There were good rains. Even in the eastern region of UP the rains were generally good. But it is a quirk of fate that in the catchment area of the Rihand the rainfall was not sufficient and, therefore, the range of water of Rihand was low and that it did affect the generation of power in Rihand. Similarly, in Sheravati the level of the water in the lake was low. These two factors are the specific ones I have mentioned, while acknowledging the fact that rainfall was generally better and, therefore, the power situation did improve after the critical period to which my hon. friend referred.

So far as the Fifth Plan is concerned the target is 16.5 million and not 18.5 million. 18.6 or 18.7 million is the present installed capacity. I agreed with him that this is a large programme in relation to what we have been able to achieve by way of commissioning of fresh generating plants, new plants, because it is almost 3½ times what has been achieved in the past: We are trying to have (a) a good monitoring system at the Centre and close coordination with the States and (b) we are trying to have a co-ordinated approach at the Centre so that the finance, scarce materials etc. could go to the projects which are under constructions. These are the practical ways in which we can help these projects to come up quickly. So, we have taken these measures and we will continue to keep a close watch on the execution of the projects. With the cooperation of the States I hope this will speed up the projects.

On Faridabad, though I have all the details with me, I do not want to go into the details. The unrestricted daily requirement is about 1.4 million kw hours. Of this 0.3 million is re-

quired for agricultural purposes and 0.1 million for domestic and other loads. So, about 1 million kw hours are required for the industries. Out of this 1 million kwh. 0.1 million is required for the tyre industry in which there is no cut. In the remaining industries there is a cut. Out of 1 million kwh they would be getting 0.6 million kw just now because of the cut. I have here the number of hours during which power supply was closed down in Faridabad, and I find that it is not entirely erratic as my friend was pointing out, though it is not as assured in terms of periods of the day as I would like to see. But this is conditioned by various factors over which even the Haryana Government does not have full control. I only hope that they inform the industry in time so that they can make arrangements to do without power supply when the power supply is to be closed down. For instance, I find that for 7 to 15 hours the power supply was closed down on several days, beginning at 7 O'Clock.

On the question of coal, I do not exactly know what he wanted to ask me. He has said that there is some controversy between the Steel and Coal Ministries. There is no controversy with the Power Ministry. We are a user Ministry and we want the Coal Ministry and the Railway Ministry to cooperate with us as they are doing today, and with their cooperation we are keeping these plants going, sometimes even with one or two days' stock. The only thing that I have pointed out is that sometimes the quality is not of the kind which is required by the boiler and that does affect the performance of the boilers. But we shall, perhaps, have to wait for some time because we can establish the linkage between the coalmines and the boilers and make it fool proof as we would like it to be.

He referred to certain thermal plants and asked why sanction has not been given, why they are being delayed, etc. The main reason is that linkage is sought to be established between strategic coalmines and power projects, so

that one knows the coal to be expected and can design the boiler accordingly, and later on one can do the blending and so on and so forth, to get over some of the problems we have encountered in the past. Until this linkage is established, the sanction is being delayed. Otherwise, once the sanction goes, the power plants come up and later on we start looking around for coal. This creates difficulties. You cannot switch over from one coalmine to another at that stage. This is the main reason.

The U.P. Government is looking into the possibility of energising its diesel set though the total quantum of power that would be available is not too much; though it may be important for individual consumers, taking the totality of the shortage in U.P. just now, it does not amount to too much.

The Kota atomic power plant has had its difficulties. But it has already been producing at a certain level which is higher than 50 kw. which my friend mentioned, for periods of time. It has had its difficulties, and I do not want to go into the details at this stage.

It is a fact that the water level in Bhakra is not what it had been in the year before last, and before there is rainfall in the catchment area of Bhakra, we have to make sure that we do not take away so much water from Bhakra that the irrigation for one or two seasons is affected. That has to be kept in mind, at any rate till the next rainfall, till the next monsoon. There may be some difficulty on that account. In fact, there will be some reduction in power production. But I am afraid there is no escape from that.

He wanted a National Power Commission to be set up. I do not want to go into the details just now. But we are considering reorganisation of the electric supply industry and whether or not some kind of a Central organisation is necessary in that context. I

(Shri K. C. Pant)

would request him not to try to get specific answers from me just now because I would like to discuss this idea with the States first.

SHRI BHOGENDRA JHA (Jainagar):

The statement made by the hon. Minister makes a dismal reading. There is no hope for the immediate future also because there also he is entirely dependent on the weather, whether there will be rains or not. But in respect of whatever slight satisfactory results have been mentioned here, I have certain misgivings and I have certain doubts also about the facts and therefore I would request the hon. Minister to be more objective and check up the facts. Recently the Indalco management had informed the Minister of Steel and Mines to the effect that they have shortage of power and that is why they are going to cut down production, reduce the shifts or even remove some employees. He told his Joint Secretary to enquire and the Joint Secretary enquired from the Electricity Board and now the position is that the Indalco management had discharged several employees and dismissed them. So many have been arrested. I want to know whether there had been any planned sabotage etc. to reduce production. He has mentioned Bihar in the category of those States where there is no shortage of power. I know that hundreds of tubewells are there which are lying idle for want of power. They could not be worked because of lack of power connection. The REC has stopped grants and rural electrification is almost at a stop. Small-scale industries are to remain idle because of this reason. So, I would like the hon. Minister to tell us how he can say that there is no shortage of power in Bihar.

Sir, I am definitely putting all these questions based on my own knowledge. I have got personal information about it. Hundreds of tube-wells are lying idle because of lack of power connection.

The Minister himself says that the DVC is in trouble. The whole of South Bihar, Central Bihar etc. is fed by the D.V.C. In such a situation, when DVC cannot supply adequate power how can anybody say that Bihar will be in a satisfactory position. Sir, to me it appears this is a contradiction in the statement of the hon. Minister given to the House.

I would like to know in this context whether it is also not a fact that the people are demanding more and more power, people have become power-oriented, both in agriculture and in industry. The present situation is such that more and more demands are there for power, in agriculture, in industry and also in house connections.

In such a situation, I want to know whether it is a fact that the Soviet offer of 500 MW of power plant has been rejected and that was rejected in the hope that we will be able to do it ourselves. Does it mean that we have reached the saturation point, that we don't require extra plants? I don't know why this has been rejected. No foreign exchange is required; that belongs to the rupee payment area.

I would also like to ask one thing. During the British days when Lord Wavell was here, a survey was made with the help of UK, experts of U.K. U.S.A. etc. They went into this question of having hydel project over the river Kosi and that one single project would have fed the whole of Bengal, Bihar, whole of U.P., besides Nepal, Sikkim, etc.

The Government of India have left it over. When there is a shortfall in rains and when there is power supply available from the Himalayan nose, I would like to know whether the Government will consider or at least examine such a proposal again, re-examine it to ensure that there is permanent supply of power and that there is no dearth of it at least in U.P., Bihar, Orissa, Bengal and other areas.

The hon. Minister has given us assurances that he is trying to ensure that power availability is going to be maximised from the existing power plants. I would like to know the break-up plantwise, to which extent and during what period of time, is he going to increase the power availability from a particular plant? Also I want to know whether it is a fact that our thermal projects are using or have used the second-rate coal. Because of that, certain defects developed in their plants. I may give you the example of D.V.C. power project. That has rejected the coal supplied by the N.C.D.C. as of inferior quality of coal. But, that coal was later auctioned by the N.C.D.C., purchased by some private contractor and the D.V.C. management accepted that coal from the contractor. If that is the situation, especially when the coal industry has been nationalised and on behalf of the public

sectors when the officers are managing the thermal power projects will be probe into the affairs as to why is it that the NCDC accepted the coal from the contractors or ex-colliery owners which was a second-rate coal and the same was supplied to Barauni, D.V.C. and other places for their power generating machines. Another thing that I would like to know is this. The minister has assured the House that a new generating unit is going to be commissioned. I would like to know from the minister the exact break-up figures for this unit. In such a situation, there is a necessity of setting up a commission to inquire into the whole affairs—not only to go into the past history but also to inquire into such failures in future. When the second rate coal is being accepted by the N.C.D.C. and the same was being supplied to other projects, their plants got damaged and, as a result, the production of power also was affected. That is why I say the whole affair is to be gone into by a Commission as stated by my hon. Friend, Shri Banerjee, so that in future, the availability of good quality of coal may be ensured to these power projects for

generation of adequate power. What steps is the Minister going to take in this regard?

SHRI K. C. PANT: I think the first question was with regard to the Hindalco Plant. As far as I have been able to see it, the power supply Hindalco plant has been stopped by the U.P. Government. That has been cut off by them. This is one of the measures taken.

SHRI BHOGENDRA JHA: Whether this is the information supplied by the Electricity Board or from the Hindalco Plant authorities.

SHRI K. C. PANT: We always get information from the State Government and this applies to UP as well. The information we have with regard to Bihar is also obtained from the Bihar Government as a result of our discussions we had with them before, in regard to the availability and requirements of power. According to the figures with me, they are no where near the kinds of problems posed by the hon. Member.

If he has seen anything with his own eyes, who am I to dispute it? The point that I am making is that 6.5 million kwh is the requirement of power in Bihar per day, and the availability is 6.1 million kwh. per day. Therefore, the availability is fairly close to the requirement. There is a much more comfortable position in most of the other States.

He talked of the DVC. I have already discussed that.

He has also wanted to know the increase in production plant-wise. Without going into all the plants in the country, I think the House has already got tired of the length of this question. I would only like to point out that in the DVC where the production had fallen at one stage to almost somewhere around 350 MW, it has come up and as I had indicated elsewhere, it is between 500 and 550 MW. There has been a definite improvement in the

DVC generation. That is one of the areas which I can mention.

I am not aware of any Soviet offer of a 500 MW unit. I cannot, therefore, make any comment on this. But we are thinking of doing the basic technological work on a 500 MW unit in the Sixth Plan. It cannot come up now, as such a big unit will also require preparation of transmission lines etc. for taking the power from that unit.

He referred to some project in the British days which seemed to have caught his imagination. I am not very certain about that project. If he sends the information to me, I shall certainly look into it, but I am not aware of it.

On the supply of coal to thermal power projects, I have received complaints from some of the DVC units about the quality of coal supplied to them, and whenever I receive such complaints, I got in touch with the concerned Ministry and they do try to help. They have their own limitations, and at this moment when there are difficulties in the supply of coal to all consumers, I do not want to make an issue of the quality of coal being supplied to power plants.

SHRI BHOGENDRA JHA: It is bad quality.

SHRI K. C. PANT: This is what I am talking about.

About the new generating units, if he refers to the answer to starred question No. 536 answered today, he will get a complete list of the projects.

12.58 hrs.

PAPER LAID ON THE TABLE

IMPORT TRADE CONTROL POLICY

MR. SPEAKER: Now, Papers to be Laid. Prof. Chattopadhyaya.

SHRI SEZHIYAN: May I make a submission?...

MR. SPEAKER: This is some other item.

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): I beg to lay on the Table a copy of the Import Trade Control Policy for the year 1974-75—Vols. I & II. (Placed in Library. See No. LT-6599/74).

RE: PRESIDENT'S ORDER IN REGARD TO AUTHORISATION OF EXPENDITURE OUT OF CONSOLIDATED FUND OF PONDICHERRY

SHRI SEZHIYAN (Kumbakonam): I have tabled an adjournment motion and that should have been taken up before any other business was taken up.

MR. SPEAKER: Adjournment motion on what?

SHRI SEZHIYAN: On the unconstitutionality involved in passing the Presidential order regarding withdrawal from the Consolidated Fund of the Pondicherry Union Territory.

MR. SPEAKER: If an objection is being raised on constitutional issues, there is no necessity for an adjournment motion; we can discuss it otherwise also; of course, hon. Members can have an immediate discussion even on constitutional issues. An adjournment motion is necessary when something has happened and where the Speaker thinks that there is something on which a certain number of Members are required to rise and ask for a discussion. I do think that this could be discussed. If you like an adjournment motion, I do not mind. But I do not think it is necessary. We can discuss it otherwise.

13 hrs.

SHRI SHYAMNANDAN MISHRA (Bagusarai): All right.

MR. SPEAKER: I see that all your members are not present. I do not want that you should lose the opportunity.

SHRI SEZHIYAN: We went a full discussion.

MR. SPEAKER: I am talking from your point of view and not from any other point of view. If it is lost, it means the subject cannot be discussed. But the subject is so important that we must discuss it. That is why I do not deny you the opportunity to discuss it. One of you may speak.

SHRI JYOTIRMOY BOSU (Diamond Harbour): We have submissions to be made because the matter has already taken place and is causing concern in the minds of all of us. Let Shri Sezhiyan make his submission and then we can also make ours.

MR. SPEAKER: Yes. They have intimated to me—it is put on the agenda today—that instead of the Minister of State for Finance, Shri Ganesh, Shrimati Sushila Rohatgi is laying it on the Table. Before I allow it to be laid on the Table....

श्री मधु लिमये (बांका) : अध्यक्ष महोदय, मैंने नोटिस दिया है कि यह ले नहीं होना चाहिए। मैंने प्वाइंट ऑफ आर्डर उठाने के लिए नोटिस दिया है।

अध्यक्ष महोदय : आप मेरी बात सुनिये। आप सुनते तो हैं नहीं।

I was about to say that before I allowed it to be laid on the Table, I would like to hear you on the constitutional aspects of it. This is what I am going to do.

SHRI JYOTIRMOY BOSU: You call all of us. Let us make our submissions.

MR. SPEAKER: I have received notices. These are by Shri Vajpayee, Shri Madhu Limaye, Shri Jyotirmoy

Bosu, Shri Sezhiyan. If you like, one of you may raise this question.

SHRI MADHU LIMAYE: Not one. Shri Sezhiyan could begin.

MR. SPEAKER: My difficulty is that you do not allow me to finish my sentence. Since this morning, you do not listen to me and let me reach the end of my sentence.

SHRI S. A. SHAMIM (Srinagar): You are very poor in punctuation.

MR. SPEAKER: If you like, we can hear one of you, then I will call the Minister and then the others can cover the other ground.

SHRI JYOTIRMOY BOSU: All of us.

SHRI INDRAJIT GUPTA (Alipore): Since you are not treating it as an adjournment motion and are allowing a discussion on it, kindly permit one of us to make the main submission and then hear the others also.

MR. SPEAKER: My observation was that instead of all of you speaking together and the Minister being called at the end....

AN HON. MEMBER: Not all together, but one by one.

MR. SPEAKER: Instead of the Minister being called at the end, he may be called in the middle and then others may also speak.

SHRI S. A. SHAMIM: I do not think the Mantri Saheb has anything to say.

MR. SPEAKER: Who will speak first?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Of course, I do not wish to anticipate the arguments to be made on the other side. I will certainly listen to those arguments

[Shri H. R. Gokhale]

with great care and attention. There is no doubt that the issue which is being raised is of very great importance. I only wanted to submit that subject to the convenience of the House and your convenience, I may be allowed to make a full and elaborate statement on this tomorrow.

SOME HON. MEMBERS: No, no.

SHRI SHYAMNANDAN MISHRA: Then how was advice tendered to the President? Was it done without weighing all the implications of it?

SHRI INDRAJIT GUPTA: Without a full and elaborate appreciation of the issues involved, he could not have advised the President. If he had, the President had been wrongly advised. Now he is bothering about a full and elaborate examination.

SHRI SEZHIYAN: It shows the complacency with which Government is dealing with a very grave constitutional issue. Without analysing all the implications, they have advised the President to issue orders which are illegal and unconstitutional.

SHRI JYOTIRMOY BOSU: would you agree to withhold laying it on the Table and defer it till tomorrow?

MR. SPEAKER: Could it be possible for you to come sometime today, say at the end of the day, and make a statement?

SHRI JYOTIRMOY BOSU: No, Sir.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): Here and now.

MR. SPEAKER: I am afraid; everything should not be done in haste.

श्री अटल बिहारी वाजपेयी: अध्यक्ष महोदय, राष्ट्रपति को सलाह दी जा चुकी है। गैर-कानूनी काम हो रहा है और

मंत्री महोदय समय चाहते हैं। यह गैर-कानूनी काम करने के लिए समय चाहते हैं ?

श्री मधु लिमये : पहले गलत काम करते हैं बाद में कारण ढूँढने के लिए समय चाहते हैं ?

SHRI JYOTIRMOY BOSU: A contempt of the House has been committed on the advice of the Ministry. (Interruptions)

SHRI S. M. BANERJEE (Kanpur): The President is unhappy.

MR. SPEAKER: My view is that instead of a second mistake also being committed in haste, he should listen to your points—

SHRI MADHU LIMAYE:....and resign.

MR. SPEAKER: He should listen to your points, and consider them. We can give some time for him to consider so that in haste he may not do something else.

SHRI INDRAJIT GUPTA: First of all, there was unseemly haste in toppling the Ministry. Then, there was unseemly haste in ill-advising the President. And now, he says after hearing our arguments, he wants time for full and elaborate consideration of the whole matter. (Interruptions).

SHRI H. R. GOKHALE: First of all, the hon. Member's observation that the President has been wrongly advised is not correct. I do not concede that anything illegal has happened. What I said was that it is an important constitutional issue no doubt, and therefore, we cannot deal with it cursorily, and I wanted to give it that much attention which it deserves.

Secondly, my Demands for Grants are also coming up immediately after this.

SHRI SHYAMNANDAN MISHRA: That is quite different. (*Interruptions*).

SHRI JYOTIRMOY BOSU: He should not be allowed to lay it on the Table.

MR. SPEAKER: While I think that he should give a considered reply, not much in haste, I will listen to you, and then see if he is in a position to reply.

SHRI SHYAMNANDAN MISHRA: May I make one submission about the matter? He does not have to find a national about what has already been done. About the future he may have to take sometime to give a considered reply, but about this offence as we see it, he does not made to have time except for rationalising it. He has only to give the reasons which he has tendered to the President. He has to give us the reasons. How did the advise the President to give assent to his act? That is what I wanted to submit.

MR. SPEAKER: After all, he requires time to study this.

SHRI A. K. GOPALAN (Palghat): I want to know why the hon. Minister wants some time for this. This issue has already been under discussion and it has been found that what has been done is illegal. He is saying that he wants time. Why does he want time? No time is necessary. He must submit that it has not been done properly. (*Interruptions*).

MR. SPEAKER: He will listen, so that later on, if he is in a position to reply, I welcome his reply.

SHRI H. R. GOKHALE: I am entirely in your hands. If it is insisted that I must reply today, I will reply today. I only said that in fairness I should get one day's time. But I am entirely in your hands.

SHRI JYOTIRMOY BOSU: Let the laying of the paper be deferred till
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such time as the Minister gets clearance from the House. It is a very important matter. (*Interruptions*).

MR. SPEAKER: Still, I personally feel that if in the course of your points of order, they are such that he should reply just now, he is very welcome to do so. But if he thinks that certain points are such that they need study, then I will give him that time; Time will have to be given; I will not deny him.

SHRI INDRAJIT GUPTA: After all, the Law Minister is a distinguished and experienced lawyer. If he feels, in view of the arguments advanced from this side, that it is an important constitutional point, that means by implication he admits that there is room for controversy.

MR. SPEAKER: If he thinks that he needs time, personally I think he should be given time.

SHRI INDRAJIT GUPTA: That means it is an open question. What happens to this order, which we maintain is an illegal order?

SHRI SEZHIYAN (Kumbakonam): The order should be kept under suspension.

MR. SPEAKER: If you were to be so rigid as not to give him some time that too will be bad. If after listening to you he thinks it needs a little re-consideration, he may do so.

SHRI H. R. GOKHALE: That is exactly what I meant to say. It after hearing the hon. Members it is found that there is something irregular and something needs to be done, I can advise accordingly... (*Interruptions*).

SHRI SEZHIYAN: This attitude of the Government was apprehended by some of us in the Opposition on Friday the 29th itself. Myself, Prof. Mukerjee, Mr. Vajpayee and others raised the question on that day itself. We pointed out that the Executive,

[Shri Sezhiyan]

through the President, does not have the power to appropriate funds out of the Consolidated Funds in Pondicherry without an Appropriation Bill being passed in this House. The Deputy-Speaker who was in the Chair shared our misgivings at that time and wanted the Government to take note of the arguments put forward by us. It is not as if the question is being raised only today. At that time the Government sat in mute silence and they did not come forward till 6 O'clock in the evening to clarify the position and allay our fears. Adding insult to injury and contempt to callousness to the House this order of the President had been issued. We read about the order the next day in the newspapers.

This is the thin end of the wedge and once this type of inroad is allowed, it would take away the very basis of parliamentary democracy in this country. No doubt it is Rs. 5 crores today. It may happen tomorrow that both Houses of Parliament might be put in hybernation and by presidential order they might pass the entire budget of Rs. 5400 crores. A basic principle is involved. Recourse is being taken to methods which are other than constitutional and unacceptable in a parliamentary democracy.

Let me narrate the events as they happened. The Assembly was dissolved and a Proclamation was issued on 28th. In the Proclamation they have cited section 51 and they say: 'In exercise of the powers conferred by section 51 of...' Two sections will be quoted again and again by the Law Minister and the Treasury Benches. They are sections 51 and 56 of the Government of the Union Territories Act, 1963.

Sir, to make things amply clear, I want to quote both these Sections, Section 51 and Section 56. Section 51 says:

"If the President, on receipt a report from the Administrator of a

Union Territory or otherwise, is satisfied:—

- (a) that a situation has arisen in which the administration of the Union territory cannot be carried in accordance with the provision of this Act or
- (b) that for the proper administration of the Union territory it is necessary or expedient so to do,

the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the Union territory in accordance with the provisions of Article 239."

Under this the Proclamation was issued. Under Section 51, the President has got powers to suspend certain provisions of the Act. Therefore, Sir, let us see whether he has suspended any of the vital provisions affecting the voting of the Grants, which is the main question. I do not want to go into other questions. On page 2 of the Proclamation, it has been said, that is, under Section 51 of the Act....

"(b) make the following incidental and consequential provisions which appear to me to be necessary and expedient for administering the Union territory of Pondicherry in accordance with the provisions of Article 239 of the Constitution during the aforesaid period, namely:—

- (i) the Legislative Assembly of the said Union territory is hereby dissolved;
- (ii) in relation to the said Union territory, unless the context otherwise requires, any reference in sections 6, 23, 27, 28, 30 and 49 of the

Act to the Administrator shall be construed as a reference to the President and any reference in sections 23, 27 to 31 (both inclusive), 48 and 49 to the Legislative Assembly of a Union territory by whatever form or words shall, in so far as it relates to the functions and powers thereof, be construed as a reference to Parliament;

- (iii) in relation to the said Union territory, the reference to the Legislative Assembly of Union territory in section 26 shall be construed as including a reference to Parliament."

So, these Sections, 23, 27 to 31, 48 and 49, which refers to the powers of Legislative Assembly have not been suspended. They are in force. Rather, the Proclamation affirms that these powers have been transferred to Parliament. Section 51 has not been used to suspend any of then provisions.

What are the effective provisions in relation to a Money Bill? In the Act, Section 27 deals with annual financial statement; Section 29 with Appropriation of Bills; Section 30 with Supplementary additional or excess grants—that is not covered here—and Section 31 with Vote on Account. I will deal particularly with two sections. Section 29 says:

"subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the Union territory except under appropriation made by law passed in accordance with the provisions of this section.

That means, no amount can be withdrawn from the Consolidated Fund, without a law being passed in accordance with the provisions of that Section. In accordance with the provisions of that Section, the Legislative Assembly of the Union terri-

tory should have passed the law. On dissolution of the Legislative Assembly of the Union territory, Parliament has got the powers vested in and transferred to it. This has not fallen into nullity. If you take Section 31, which deals with Votes on Account, it says:

"Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly of a Union territory shall have power to make any grant in advance in respect of the estimated expenditure for a part of the financial year, pending the completion of...

The words used are 'shall have power'. The Legislative Assembly of the Union territory shall have the power and now on transfer of the functions, the Parliament shall have the power. That has not been taken out of the purview of Parliament.

Why I am laying great stress on this is because the power to withdraw from the Consolidated Fund can only be exercised by Parliament. Whatever may be the Constitution worth the name and whatever may be the ture of Parliamentary democracy whether it is in Great Britain or in India or any other country, it is the highest and supreme prerogative—I can say the unique power—of the Parliament or the legislatures concerned to grant or withhold supplies of sums needed by the executive. By no other device, it can be done. "No taxation without representation and no expenditure without sanction" are the two cardinal principles of parliamentary democracy. In regard to taxation, you may issue an Ordinance and get *ex post facto* sanction. But, in regard to withdrawal nowhere it has been allowed, neither in May's *Parliamentary Practice* nor anywhere unless an Appropriation Bill is introduced and amounts are expressly granted by Parliament. This power cannot be arrogated by the executive. On this power—on this power to control the purse of the Government—

[Shri Sezhiyan]

rests the entire structure of parliamentary democracy.

Over this issue in Great Britain, bloodiest battles were fought over the centuries, from the 13th to the 18th century, to acquire this power. Paul Einzig has said in *The Control of the Purse* at page 17:

"The House of Commons achieved ascendancy over the hereditary Upper Chamber and eventually gained a virtually complete control over the State, largely through their authority to grant or withhold funds required by the Executive, and through controlling the expenditure of those funds."

So, this was the major point that gave rise to the supremacy of lower House of Parliament, i.e. the House of Commons corresponding to our House of the People. Article 114 of our Constitution gives a power which can never be usurped or eroded by anybody else. There are only a few persons in English History like Charles I who claimed divine right and we know what a fate attending them. I do not want the same fate to attend the people here, but they are driving at the same route and erode into the powers of Parliament.

In 1784, the House of Commons made it explicitly clear by a resolution adopted by it that public officers responsible for paying out public money without the authority of an Appropriation Act would be guilty of "high crime and misdemeanour, a daring breach of public trust, derogatory to the fundamental privileges of Parliament and subversive to the Constitution. It is worthwhile noting that this resolution was initiated by the Opposition in the House of Commons and adopted by the entire House.

There can be no two opinions that there is no authority other than Parliament which can exercise this

power. This question came up before the Constituent Assembly when draft articles 92 and 93—now 113 and 114—came up for discussion. As you are aware, Sir, under the 1935 Act the Governor General had the power to amend any grants passed by the House. Therefore, a certificate was issued by the Governor General. Though the initial draft article of Constitution contemplated giving a similar power of certification to our President, when the actual discussion took place in the Constituent Assembly, it was asked, "Why allow the President to certify things which have been sanctioned by Parliament? Why not give a statutory recognition to the amounts granted here?" As a result of this, the provision about Appropriation Bill was included. Dr. Ambedkar, the architect of our Constitution, initiating the discussion, said:

"In the matter of Finance, Parliament is supreme, because no expenditure can be incurred unless it has been sanctioned by Parliament under the provisions of article 93. If Parliament has sanctioned any particular expenditure on any particular head, then the proper authority to certify what it has done with regard to expenditure on any particular head is the Parliament and not the President."

To make the position very clear that the President does not have any power to touch anything that comes within the purview of Parliament, after explaining the position which obtained in the British days when the Governor General had the power to curtail the expenditure sanctioned by Parliament, Dr. Ambedkar further said:

"Under our new Constitution, the President has no functions at all either in his discretion or in his individual judgment.

"He has therefore, no part to play in the assignment of sums for expenditure for certain services. That being so, the certification procedure

is entirely out of place under the new Constitution. I might also say that the appropriation procedure is a procedure which is employed in all parliamentary Government—in Canada, Australia, South Africa and Great Britain.”

Therefore, even when the founding fathers were contemplating on this, they were fully aware that, so far as withdrawal from the Consolidated Fund was concerned, if it was Centre, Parliament had the sole authority and if it was State it was the State Legislature, and if it was Union Territory, it was the concerned Legislature. That has been made amply clear in the several sections of the Constitution and also in the Union Territories Act which I quoted.

I will recall one instance. In the year 1961, the Orissa Assembly was dissolved, and the Governor had earlier issued an Ordinance for withdrawal of certain sums for conducting the affairs of the State. Then immediately the question was raised here by an adjournment motion by Mr. S. M. Banerjee and Mr. Chintamani Panigrahi. Prof. Mukherjee also participated in that. At that time, we had the fortune to have as the Prime Minister. Pandit Jawaharlal Nehru, who was a very respectable statesman who had respect for the Constitution and the parliamentary democracy appreciated and accepted the position of the unconstitutionality of the ordinance. Shri Lal Bahadur Shastri who was in charge of the Ministry of Home Affairs then, made a statement here:

“When the Ordinance was promulgated by the Governor, there was consultation amongst our officers as well as with the Law Ministry. The Governor took this action in consultation with the Chief Secretary and the Law Department of the State Government. He felt that some action was necessary in order to incur some expenditure on the administration. But, as I said, when the Ordinance was passed and it came to our notice the Home Secretary

immediately consulted the Prime Minister and later on the matter was referred to the Law Ministry. The Law Ministry's opinion is that the Ordinance promulgated by the Governor is not valid under the Constitution. We immediately informed the Governor about this. Therefore, no action is being taken since then under the Ordinance.”

They did not accept the validity of the Ordinance and did not act under it. That exactly what is my friend, Shri Indrajit Gupta, was saying; do not take any action under the illegal order.

One of the reasons put forth for this Presidential order is that both the Houses are not in Session. Afterwards I shall examine the Presidential Order in detail so both the Houses of Parliament were not in session it is agreed that there was the question of expediency and the powers were taken. In 1961 the Rajya Sabha was not in session. Then it was summoned immediately, within 24 hours. Please refer to page 536 of *Practice and Procedure of Parliament* by Kaul and Shukdher. It reads:

“For the appropriation of money for a State the administration of which has been taken over by the President under a Proclamation issued by him, the budget for that State, according to existing practice, is not certified by Ordinance, the underlying principle being that no money can be spent out of the Consolidated Fund without the sanction of Parliament. Hence if a contingency arises for passing an Appropriation Bill regarding such a State and Rajya Sabha is not in session, that House is specially summoned for this purpose.”

In 1961 it was done. The Law Ministry gave the opinion, and he came and apologised for having issued the Ordinance and taken powers out of Parliament. The Prime Minister came to the House and explained the position. Now a Constitutional dereliction has

[Shri Sezhiyan]

been done, usurpation has been made; dangerous and dubious precedents are being set up. And till the end of the day nothing comes from the other side, not even a clarification. And in complete contempt of the arguments made by us—the Chair also shared our misgivings—they do not care and go on issuing an Ordinance which is illegal unconstitutional, anti-Parliament and anti-democratic.

SHRI S. A. SHAMIM:....and anti-people, in general.

SHRI SEZHIYAN: Now, I come to the President's Order by which they are trying to take as much as Rs. 5.48 crores for defraying the charges. The reasons mentioned are:

WHEREAS the Legislative Assembly of the Union Territory of Pondicherry has been dissolved by Order dated the 28th March 1974, made under Section 51 of the Government of Union Territories Act, 1963 (20 of 1963)

AND WHEREAS under the said Order the powers of the said Legislative Assembly are now exercisable by Parliament....

They have not forgotten Parliament. It is good, Parliament is still remembered.

"AND WHEREAS both Houses of Parliament are not in session and there is difficulty in enacting an Appropriation Act before the 1st of April, 1974...."

Appropriation is a power of Parliament. Who are you to say that it is difficult or not? We should say it. You should have come before the House and explained the position and found out a solution. Why not summon the other House also? Nobody can question if the House by itself wants to meet. Within three hours' notice we have met. We have met at ten O'clock in the night. We met and nobody can question and go to the

court that the House should not have met, if there are certain Rules, have them suspended. Nowhere in the Constitution is there a requirement of a minimum period for giving notice to summon either House of Parliament. It is for the House to take it up. Therefore, this is a firmly reasons.

As I have referred to earlier, in 1961 within 24 hours' notice the Law Ministry came forward and summoned the other House.

Further on, the Order says:

"NOW, THEREFORE in exercise of the powers conferred by Sections 51 and 56 of the said Act and all other powers hereunto enabling and in continuation of the Order aforesaid, I, V. V. Giri, President of India, hereby authorise that, pending....."

Now, according to Section 51 it can be only incidental or consequential. Withdrawal of amounts is not incidental or consequential. If you go to any court, they will simply laugh at you if you say that the amount is required for incidental and consequential purposes.

There is Section 56 which is a new factor they have introduced. There it is said that, if any difficulty arises in relation to a transition from the provisions of any of the laws repealed by this Act or in giving effect to the provisions of this Act and in particular, in relation to the constitution of the legislative assembly for any Union Territory, the President may, by order, do anything not inconsistent with the provisions of this Act, which appear to him necessary or expedient for the purposes of removing the difficulty."

Here, three situations are contemplated so that the President may, by order do anything. The three situations are: (1) wherever there is any difficulty in transition from the provisions of any of the laws repealed by the Act. That does not arise here. (2) or in giving effect to the provisions of this

Act. That I will consider later. The third one also does not arise—in relation to the constitution of the legislative assembly of the Union Territory. Only in giving effect to the provisions of this Act, he can do something. Then, there is a rider. It says, 'may, by order, do anything not inconsistent with the provisions of this Act'. Here, other provisions I read—27 appropriation, 29 and 31.

The provisions are therefore, very clear and recourse cannot be had to Section 51 or 56. I feel that the Presidential order that has been issued on 29th March is illegal, does not have a constitutional base and goes against the grain of the parliamentary democracy itself.

One thing more and I will be done. What could have been done? That also they will raise. They could have come to the House to the earlier. *Sno molo* they should have come. Even after we raised our apprehensions and warnings they kept quiet. They might have come here for a grant for assent to the grants be a Vote on Account does not take time. It is always summarily disposed of by this House. We could have appreciated the difficulties and summarily we could have given the sanction, but they are making inroads into our powers, the powers of the Parliament. That is the only power that is left to the Parliament—this one, not our lengthy speeches, not the very many arguments that we make are going to convince them. The only power that the Parliament still holds over the executive is this one. That is why Gladstone, the famous British Prime Minister and parliamentarian once said:

'If the House of Commons, by any possibility lose the power of the control of the grants of public money, depend upon it, your very liberty will be worth very little in comparison. That powerful leverage has been what is commonly known as the power of the purse—the control of the House of Commons over public expenditure.'

That is the only power left for the Parliament to control the Executive. By a dubious and insidious order they are trying to divert such amounts. This time it is Rs. 5 crores for Pondicherry; next time they can put both the Houses in hibernation and say, Parliament is not in session, therefore, we are taking Rs. 5,000 crores for the Central Budget. Nothing can prevent this being done once you concede a wrong approach by the same logic they can do anything they like.

Mr. Speaker, you as the custodian and defender of the privileges and powers of the House should be rightly exercised over it and you should give a ruling that this is an order which is illegal and unconstitutional and it should not be laid on the Table of the House. It will contaminate the very system of Parliamentary democracy if it is allowed to be laid. It should not be laid on the Table.

On this question, since a further examination is required, I want that the Attorney General should come and present his point of view. He should assist the Parliament. As per the Constitution he can be directed to assist the Parliament. I appeal to you and to the whole House. What is being done in the House today is not going to set democratic traditions.

Secondly, I wish to submit that this is an encroachment of Government over certain rights of the Parliament in respect of financial control. You as the Speaker, and the whole House should be exercised over it. It is not the job of the opposition alone; the entire House is affected. I would rather be a dog and bay the moon than be a Member of Parliament sitting here, when the House is shorn of the power which is inherent, for the exercise of which power it has been created.

श्री अटल बिहारी वाजपेयी (स्वातंत्र्य) :
मैं श्री सेलियान को बधाई देना चाहता हूँ कि उन्होंने सारे प्रश्न का गम्भीरता से अध्ययन किया है और उसके सभी पहलुओं को सव

[श्री ३.टल बिहारी बाजपेयी]

के सामने प्रस्तुत किया है। खेद का विषय यह है कि जब संबैधानिक दृष्टि से इतने महत्वपूर्ण मसले पर यह सदन विचार कर रहा है तो प्रधान मंत्री सदन में नहीं हैं, सदन की नेत्री हमारी सहायता के लिए यहां विद्यमान नहीं हैं। यहां तक कि गृह मंत्री महोदय भी उपस्थित नहीं हैं। सारा बोझा विधि मंत्री के कंधों पर डाल दिया गया है और विधि मंत्री भी तैयार नहीं है। विधि मंत्री यह नहीं कह सकते हैं कि उन्हें इस मामले की पूर्ण सूचना नहीं थी। 29 तारीख को हम लोगों ने यह प्रश्न उठाया था। उन्हें सूचना मिल चुकी थी। वे चाहते तो उस समय सदन के सामने आ कर सारे काम को संबैधानिक ढंग से करा सकते थे। लेकिन सरकार सोती रही। बाद में उसने ऐसा काम किया जिससे संविधान की कसौटी पर खरा नहीं माना जा सकता। राष्ट्रपति द्वारा जारी किया गया आदेश असंबैधानिक है, गैर-कानूनी है, संसद् की अवहेलना करने वाला है और आज तक की सारी परम्पराओं को ताक पर रखने वाला है। जब पांडीचेरी की विधान सभा भंग कर दी गई तो वहां का खर्चा चलाने के लिए जो भी धन की आवश्यकता है उस धन को केवल संसद् दे सकती है, राष्ट्रपति अपने आदेश से कोई भी धन कंसातिडेटिड फंड से निकाल कर नहीं दे सकते। उस दिन भी कहा था मैंने और आज फिर मैं दोहराना चाहता हूं कि विधि मंत्री महोदय अगर संविधान के अनुच्छेद 240 का हवाला दे कर इस असंबैधानिक कृत्य को उचित ठहराने का प्रयत्न करेंगे तो वह संविधान के साथ न्याय नहीं करेंगे। अनुच्छेद 240 के अनुसार —

The President may make regulations for the peace, Progress and good government of the Union Territory."

मेरा निवेदन है कि जो आदेश जारी किया गया है, वह राष्ट्रपति को दिए गए इस अधिकार के अन्तर्गत नहीं आता है।

विधि मंत्री महोदय को यह भी मानना पड़ेगा कि यह आदेश रेगुलेशन नहीं है। राष्ट्रपति को यह भी मानना पड़ेगा कि यह आदेश रेगुलेशन नहीं है। राष्ट्रपति को अधिकार है कि वह संघ राज्य-क्षेत्र की शान्ति, प्रगति और अच्छे शासन के लिए रेगुलेशन बना सकते हैं —रूपया नहीं निकाल सकते हैं। लेकिन किसी भी कसौटी से यह रेगुलेशन नहीं माना जा सकता है। राष्ट्रपति ने आदेश दिया है, भारत की सुरक्षित निधि से धन निकाला जा रहा है और संसद् को बिना विश्वास में लिये हुए यह काम किया गया है।

मेरा निवेदन है कि विधि मंत्री महोदय सदन से क्षमा-याचना करें। यह सदन संविधान की तोड़-मरोड़ बर्दाश्त नहीं करेगा। संविधान की धाराओं की व्याख्या में भी अन्तर नहीं है। अगर विधि मंत्री महोदय कोई ऐसा स्पष्टीकरण देंगे, जो हमारे गले के नीचे नहीं उतरेगा, तो मैं चाहूंगा —और मैं श्री मेन्डियान की इस मांग से सहमत हूँ— कि इस मामले पर और अधिक गहराई से विचार करने के लिए एटार्नी जेनेरल को निर्मात्रित किया जाये और वह हमें किसी निर्णय पर पहुंचने में मदद दें।

लेकिन मैं समझता हूँ कि यह निर्णय करने से पहले भी सरकार ने एटार्नी जेनेरल की राय ली होगी। अगर उन की राय ली गई है, तो विधि मंत्री महोदय बतायें कि वह क्या है। और अगर उन की राय नहीं ली गई है, तो क्या यह केवल विधि मंत्रालय का फैसला है? विधि मंत्रालय पहले भी ऐसी गलतियाँ कर चुका है और आज वह फिर कटबरे में खड़ा हो गया है। राष्ट्रपति को गलत सलाह दे कर सारी सरकार दोषी सिद्ध हो गई है। मेरा निवेदन है कि विधि मंत्री महोदय इस झूल का प्रायश्चित्त कर सकते हैं त्यागपत्र दे कर जैसाकि श्री मधु लिम्बे ने कहा है और इस सदन को विश्वास में ले कर कि जो परिस्थिति

पैदा हो गई है उस का निराकरण करने के लिए कोन से कदम उठाये जाने चाहिए ।

हम यह नहीं चाहेंगे कि पांडीचेरी में सरकारी कर्मचारियों का वेतन बन्द कर दिया जाये । अगर उन का वेतन बन्द कर दिया गया और वहां धन का खर्च रुक गया तो जो कठिनाइयां पैदा होंगी हम उन का अनुमान लगा सकते हैं । लेकिन इस का अर्थ यह नहीं है कि संविधान पर कुठाराघात कर के, और लोकतांत्रिक मर्यादाओं की अवहेलना करके, ऐसा काम किया जाये । इस के लिए रास्ता निकाला जा सकता है, लेकिन रास्ता वह नहीं है, जो राष्ट्रपति महोदय को सलाह दे कर निकाला गया है । एक गम्भीर संविधानिक परिस्थिति पैदा हो गई है और मैं समझता हूँ कि विधि मंत्री महोदय अभी भी अपनी गलती स्वीकार कर सकते हैं, और फिर सदन से सलाह मांग सकते हैं कि उस भूल का परिमार्जन करने के लिए क्या किया जाये ।

SHRI A. K. GOPALAN (Palghat): As far as the constitutional points are concerned it has been very elaborately explained here, and I entirely agree with those points. There is contempt of Parliament. This is not the first time that it has been shown. This time it is very serious. It was pointed out on the 29th by some hon. Members of the Opposition that this was a very serious issue. But, the thought came to the Minister only to-day that something certainly could have been done. There was enough time to put that before Parliament.

This is not the first time that there is an utter contempt of Parliament being shown. Parliament is considered only as an ornament. This is the parliamentary democracy that we have in this country.

The other day it was also pointed out that when there was a drastic reversal of certain policies of Government, there must be some discussion in

Parliament as far as the wheat trade take over, as also the take-over of foodgrains trade by Government, is concerned. We also represented to the Prime Minister not to do it. The Members of the Opposition enquired as to why there was no discussion on this. This is not like that. This is an unconstitutional and illegal thing. When it was pointed out also, there was no consideration given to the demand that there must be a discussion or even to the fact that there was some lacuna in it and the matter had to be placed before Parliament.

If this is the way in which Parliament is going to function, because they have a majority it is better to dissolve the Parliament and have President's rule and have ordinances and other things so that there is no waste of money, and so many crores of rupees could be saved. There should not be a mere cover of parliamentary democracy saying that there is an Opposition and there is a discussion here. Why should that farce be there? Let them do away with this farce and this expenditure of so many crores of rupees. It is better to dissolve the Parliament and say that President's rule will be there. If there is Parliament, there are certain procedures to be followed and those procedures that are very serious should not be violated. But now they have gone to the extent of doing illegal and unconstitutional things. It is an utter contempt not only of the Opposition but also of the whole Parliament and also of the procedures of Parliament, and, therefore, we very strongly condemn it.

SHRI INDRAJIT GUPTA (Alipore): There is only one point which I would like to emphasise. The case has been argued very ably and cogently by Mr. Sezhiyan. I find from the proceedings that on the 29th of last month, almost all the arguments which he has submitted just now were adduced; they were adduced perhaps not so extensively because of shortage of time, but anyway it runs into half a dozen pages of the proceedings. All the arguments were adduced by him by Mr

[Shri Indrajit Gupta]

Limaye and others. Instead of paying any heed to them, on that very day, this Government and the Law Ministry busied themselves, I presume, with the drafting of this order which as promulgated the same day.

What I would like to say is that actually the cat is out of the bag and the game is given away by the third reason which is adduced in the order. The first one only says that the Legislative Assembly of Pondicherry has been dissolved. The second one says that the powers of the State Legislative Assembly are now exercisable by Parliament. That is also all right. But the third and crowning argument of all this is:

"Whereas both Houses of Parliament are not in session and there is difficulty in enacting an appropriation Act before the 1st day of April, 1974, now, therefore I, V. V. Giri.."

—poor man who has been ill-advised by this Government and the Law Minister. The crux of the argument is that both Houses of Parliament are not in session, because the Rajya Sabha had adjourned three days earlier and there is difficulty in enacting an appropriation Act before the 1st day of April. This is not a constitutional argument. It is not a legal argument by any standard whatsoever. It is just a question of expediency. We are now being told or rather reminded about the precedent which took place in 1961 when the situation was much more difficult in the sense that while on this occasion the Rajya Sabha has adjourned only two or three days earlier, on that occasion it had adjourned some time previously, if I remember aright. Even in that case, when the matter was raised, the then Prime Minister and the Government had the good grace to come forward and admit their mistake and say that steps would be taken to redress it and Parliament would be called into a session again. But, here there was no difficulty whatsoever.

Even assuming for the sake of argument, although such an assumption is unwarranted that the Opposition would have opposed any appropriation Bill for a vote on account, because it is never done and it is never opposed like that, even if we wanted to oppose it, Government has got a huge majority, and, therefore there is no danger and no risk and the appropriation Bill could have been carried within half an hour or one hour and the matter would have been over. So I do not understand how this argument holds water. This is nothing but a sheer determination and cussedness on their part that they would by pass Parliament and appropriate to themselves powers which they were not entitled to do under any clause or any provision.

I do not know if he is going to rely, as Shri Vajpayee apprehended, on art. 240. I think we need not anticipate him. But if it is so, in any case, there should have been some mention here that in accordance with the provisions of art. 240 they have done this. The article says that in case the Legislature of Pondicherry is dissolved, the President has the power under art. 240....

SHRI ATAL BIHARI VAJPAYEE:
To make regulations.

SHRI INDRAJIT GUPTA: It says that during the period of such dissolution or suspension, the President may make regulations for the peace, progress and good government of the Union Territory. I do not know if he wants to rely on this. I think it will be stretching the elastic a bit too far. In any case there should have been a specific mention of it. The President has issued the order. Now by an after thought, this cannot be inserted. No such thing has been done.

I do not wish to take more time. The whole thing is palpably a fraud on the Constitution, an attempt to by pass and undermine the powers of Parliament. Therefore, some way must be found to retrieve this wrong which is attempted to be done here. Normally,

I would have said that the operation of the order could be kept in abeyance until this matter is decided and you give your ruling. But there is this practical difficulty pointed out that already it is the second of April. It might mean that certain innocent people there would be deprived of their salaries and so on. I do not know what is going to happen.

In any case, I also support the demand that the Attorney General should be summoned to the House to advise us. In no case should Government be allowed to get away by making a statement in reply, unless, of course, you choose to support them and give your ruling accordingly.

SHRI SHAYAMNANDAN MISHRA (Begusarai): We grant that a situation had arisen in which certain steps had to be taken in order to keep the Government functioning and to prevent the business of government from coming to a standstill. But what were the courses open to Government in the circumstances? Was this the course Government had adopted, the only course or was there a different course indicated by the Constitution? That is the important point for us to consider.

To my mind, the step Government has taken *ab initio* illegal. That is why I say that it is against the Constitution. The Constitution has indicated a certain procedure to be adopted for authorisation out of the Consolidated Fund. That procedure has not been followed in this particular case.

The Order says that the Appropriation Bill could not be passed in the given circumstances. Probably what they had in mind was that since the Rajya Sabha was not in session, it would not have been possible for getting it passed. But may I submit that the mention of the Appropriation Act in the particular circumstances is not quite apt, because when the local Assembly was dissolved, it was considering the Vote on Account. What

should have been considered there fine was the vote on account and what the Order should have mentioned was the vote on account and not the Appropriation Act. For the 'Vote on Account' too the other House was necessary—for the Act to be passed. But in the first instance, assent had to be given by the House of the People. If the House of the People had accorded assent to it, the Government could even have come forward with an Ordinance which would have the force of legislation.

Now anything could be done only through a legislation. If the House of the People had given initial assent to the vote on account Government would have been in order if it issued an Ordinance for keeping the business of government in Pondicherry going. But the Government has not taken that step.

I think, therefore, that this particular step of the Government shows that there is a kind of creeping authoritarianism and Government is callously ignoring the rights of this House particularly. It does not pertain so much to the rights of the other House as it does to the rights of this House. Therefore, we are very clear in our mind that the Government has committed a crime against the Constitution in respect of this matter. It is also a contempt of the House, as has been rightly emphasised by some hon. Members.

Now I come to the next step that may be necessary in the given circumstances. I find myself completely at sea in face of an irregular act which is required to be legalised now. This illegal act has been committed against the Constitution; how is it going to be retrospectively legalised? Is it possible for it to be done? That is a point which is very much in our mind. But before I come to that—which is indeed a very difficult and complex thing—I would like to stress that the Attorney-General's attendance in this matter is necessary. Here, I

[Shri Shyamnandan Mishra]

would particularly appeal to you to consider that whenever we make any demand for the attendance of the Attorney-General, that is not being granted by the other side of the House. Should it be left to the sweet will of the Government or the other side of the House to secure the attendance of the Attorney-General? I ask this because the Attorney-General as Mr. Setalvad has always maintained is an independent, constitutional adviser who should be able to give advice both to the Government and to Parliament. Therefore, at one time when the merger of the office of the Attorney-General with the office of the Law Minister was mooted; it was not granted. That was a serious suggestion made which was very seriously mooted when Pandit Jawaharlal Nehru was the Prime Minister of our country.

We find that we are not able to secure the advice of the Attorney-General in many matters. Therefore, we demand that the Attorney-General's presence must be secured in this matter.

So far as the further step to be considered is concerned, I should think that the Rajya Sabha should be immediately summoned—there is no escape from it. The Rajya Sabha has to go into it in order to complete the procedure that would enable the Government to authorise the particular amount to be paid out of the Consolidated Fund.

श्री मधु लिवये (बांका) : अध्यक्ष महोदय, इन्होंने बताया कि चूंकि दोनों सदन इस वक्त नहीं चल रहे हैं इसलिए एप्रोप्रिएशन बिल पास करने में दिक्कत है, लेकिन इस तरह की दिक्कत का राज्य सभा ने पहले ही विचार किया है और मंत्री महोदय को इस की जानकारी होनी चाहिए थी कि राज्य सभा का जो नियम 3 है उस में स्पष्ट शब्दों में कहा गया है कि :

"When a session is called at short notice or emergently, the announce-

ment of the date and time of the session may be made in the press and Members informed by telegram or otherwise."

एमजेंसी मीटिंग के लिए जब राज्य सभा का नियम है तो केवल अध्यक्षों में ऐलान करके राज्य सभा को बुलाया जा सकता था। अब राष्ट्रपति का आदेश निकालने में 28 तारीख को और जब इन्होंने पांडिचेरी की विधान सभा को बरखास्त करने का निर्णय किया उसी समय सभी पहलुओं पर कानून मंत्रालय को विचार करना चाहिए था। यह कोई नई बात नहीं है। आपको मैं 1967 की मध्य प्रदेश की बात याद दिलाना चाहता हूँ। मध्य प्रदेश में जब शिक्षा मंत्रालय की मांग पर बहस हो रही थी तो अध्यक्ष को ऐसा लगा कि उधर दिन उस मंत्रालय की मांग को पराजित किया जायगा। तो मुख्य मंत्री के आदेश पर वहां के अध्यक्ष ने विधान सभा की बैठक को स्वगित किया और हम लोगोंने उस दिन कहा था कि आप की डिमांड पास करने के लिए हम लोग तैयार नहीं हैं संविधान को तोड़ कर। नतीजा यह हो गया कि तत्काल विरोधी दल के नेता को उस समय नया मंत्री-मंडल बनाने के लिए बुलाया गया। 28 तारीख को जब इन्होंने फैसला किया कि विधान सभा बरखास्त हम करेंगे तो उसी समय इन सारी चीजों के बारे में इन को सोचना चाहिए था जो कि उन्होंने नहीं सोचा। उस के बाद 29 को हम लोगों के द्वारा इन बातों को रखा गया। उस के बाद भी यह सदन के सामने आ सकते थे, इन मांगों को रख सकते थे, सदन में बहस हो जाती एप्रोप्रिएशन बिल पास हो जाता, राज्य सभा को नियम 3 के अनुसार बुलाया जाता और 31 के पहले यह सारा काम हो सकता था। कुछ लोगों ने यह कहा कि यहां पर मांग पास करने के बाद राष्ट्रपति अध्यक्ष के द्वारा एप्रोप्रिएशन बिल पास कर सकते हैं लेकिन उससे मैं सहमत नहीं हूँ।

अध्यादेश के बारे में जो संविधान है वह बिल्कुल साफ है :

"If at any time except when both Houses of Parliament are in session....."

इसलिए अध्यादेश के जरिये यह काम करना सर्वथा अनुचित होता । इसलिए मेरा यह पहला निवेदन है कि इन्होंने जो कारण दिए हैं वह बिल्कुल निराधार, बे मतलब और बोगस कारण हैं—इसको कभी स्वीकारना नहीं चाहिए ।

14 hrs.

आगे यह कहते हैं कि किन अधिकारों का इस्तेमाल करके हम लोगों ने किया है । 51 और 56 के बारे में मेरे लायक दोस्त सेनियान साहब ने बहुत साफ बताया है लेकिन मैं दो तीन बातें उसके अलावा कहना चाहता हूं । अभी इन्द्रजीत गुप्त और अटलजी ने यह सन्देह प्रकट किया कि क्या 240 के तहत यह काम करेंगे तो मेरी राय में 240 का इससे कोई सम्बन्ध नहीं है क्योंकि 240 को आप देख लें :

"The President may during the period of such dissolution or suspension make regulation for the peace progress and good Government of the Union Territory."

आगे (2) क्या है :

"Any regulation so made may repeal or amend any Act made by Parliament or any other law which is for the time being applicable to the Union Territory."

एप्रोप्रिएशन ऐक्ट में कोई अमेण्डमेन्ट किया नहीं जा सकता । डिमाण्ड के ऊपर, मांगों के ऊपर एप्रोप्रिएशन ऐक्ट आधारित है इसलिए जहां मांगों का सवाल आयेगा 113 और 114 से आपको छुटकारा ही नहीं है । उसी के ऊपर 28 और 29 सेक्शन यूनियन टेरिटरीज का आधारित है, 113 और 114 में

एप्रोप्रिएशन इमलिए 240 का कोई सवाल नहीं है । जहां तक 56 का सवाल है, सेनियान साहब ने स्पष्ट शब्दों में कहा है उनको ऐसा काम करना चाहिए अड़बनों और दिक्कतों को दूर करने के लिए भी

"which is not inconsistent with the provisions of this Act."

तो धारा 29 का अपमान करके राष्ट्रपति किसी तरह का काम नहीं कर सकते हैं । जहां लेजिस्लेचर नहीं है विधान सभा नहीं है उनके बारे में होम मिनिस्ट्री की डिमाण्ड है, जैसे नं० 51 डिमाण्ड है देहली के लिए और दूसरे केन्द्र शासित प्रदेशों के लिए मांगें रखी गई हैं, गृह मंत्रालय की मांग में उसका समावेश है । लेकिन पांडिचेरी में बूँक एक दफ्ता विधान सभा का निर्माण हो चुका है इसलिए अलग से ही इन मांगों को यहां पर लाना अत्यावश्यक है ।

दूसरा सवाल यह पैदा होता है — कल मैं राष्ट्रपति जी से मिलने के लिए गया था—राष्ट्रपति जी कहते हैं और सभी लोग कहते हैं कि राष्ट्रपति जी को सरकार की सलाह पर चलना है लेकिन अगर सरकार असंवैधानिक गैर-कानूनी सलाह राष्ट्रपति को दे तो ऐसी हालत में राष्ट्रपति जी का क्या कर्तव्य है — यह सवाल भी उत्पन्न हो जाता है । आज अगर कोई आदमी यह कहे कि मैंने खून किया है और सरकार के आदेश पर किया है तो क्या उसको माफ किया जायेगा । उसी तरह से गोखले साहब ने राष्ट्रपति जी को कहा कि संविधान का खून कीजिए पार्लेमेन्टरी डिमोक्रेसी का खून कीजिए और राष्ट्रपति जी ऐसा काम करते हैं तो यह एक नया प्रश्न उपस्थित हो जायेगा । क्या राष्ट्रपति जी गैर-कानूनी और असंवैधानिक सलाह को मानकर कोई आदेश जारी कर सकते हैं—इसके बारे में भी इस सदन में पूरी बहस होनी चाहिए । मेरी राय में राष्ट्रपति जी का यह कर्तव्य था कि गोखले साहब से कहते कि आप गलत रास्ते पर जा रहे हैं

[श्री मधु लिमये]

आपके सामने एक ही रास्ता है कि राज्य सभा को जल्दी बुलायें लेकिन मुझे पता नहीं उन्होंने वह कहा या नहीं और गोखले साहब ने वह माना या नहीं। ऐसी हालत में उड़ीसा के साथ डोंग करने से कोई नतीजा नहीं निकलेगा यहां इस सदन में बैठने वाले इस सरकार के कानून मंत्री जब इस तरह संविधान का अपमान करते हैं तो उसका एक ही प्रायश्चित्त हो सकता है कि यह अपना इस्तीफा दें। यह क्या स्पष्टीकरण देते हैं इसके ऊपर आप सोच सकते हैं लेकिन इनका कोई संतोषजनक स्पष्टीकरण नहीं आयेगा और ऐसी हालत में और इनको बोड़ी भी मर्यादा है बोड़ी भी लज्जा है तो स्पष्टीकरण के साथ साथ अपने इस्तीफे का भी एलान करें। इतना ही मुझे कहना है।

SHRI S. A. SHAMIM (Srinagar): Mr. Speaker, Sir, you have heard the related arguments showing clearly that there has been a violation of the Constitution. I was surprised to see my friends surprised at what has happened. In a country, where a private individual can draw Rs. 60 lakhs from the State Bank without any authority, without any cheque, anything can happen in this country. The only saddening feature of the situation is, the President has been made to do what Nagarwala did some years ago. This is the only saddening feature of the situation. I am not drawing a parallel.

MR. SPEAKER: This is a serious matter. Do not go beyond that.

SHRI S. A. SHAMIM: Various provisions, relating to the withdrawal of funds from the Consolidated Fund of India have been referred to. They have referred to article 240 of the Constitution and other relevant provisions of the Union Territories Act. To my mind, the only provision which can warrant this and this is what the Law Minister has used, is Section 420 of the Indian Penal Code. It is a clear fraud on the people of

India, on the Parliament and on the parliamentary democracy. Therefore, I think, he can take refuge only under Section 420 of the Indian Penal Code. Mr. Limaye has mentioned rather briefly about the role of the President. It is presumed that on either the advice of the Ministry of Law, or for that matter, any other Department, the President applies his mind. The presumption is he applies his mind. In this case, either President has not applied his mind or he has applied his mind and then contravened the Constitution. I do not feel hesitant to say that this is a fit case if the logic is taken to its ultimate conclusion, where, we must seriously consider the question of impeachment of the President. If the President had been a party to this, why should the President be spared? The President is the guardian of the Constitution. If the President has violated the Constitution willingly, then it is a fit case for considering the impeachment of the President. Once we allow this practice, as my friend Mr. Sezhiyan has clearly stated once we accept his position, then there is no end to it. I would suggest that the role of the President should seriously be discussed, whether he has applied his mind. If he had, then, he is a party to this.

SHRI SOMNATH CHATTERJEE (Burdwan): I am thankful to you for giving me an opportunity. I shall confine myself only to the provisions of Sections 51 and 56, to which reference has been made in the order of 28th March. Section 51 says:

'If the President, on receipt of a report, from the Administrator of a Union territory or otherwise, is satisfied—

- (a) that a situation has arisen in which the administration of the Union territory cannot be carried on in accordance with the provisions of this Act or
- (b) that for the proper administration of the Union territory it is necessary or expedient so to do,

then, what he can do. He may, by order, suspend the operation of all or any of the provisions of this Act. Now, Sir, the President has not suspended the relevant provisions dealing with the financial matters. Only such incidental and consequential provisions can be made by the President which arises out of the suspension. No incidental and consequential provisions can be made which is not related to the suspension of any of the provisions of this Act. That is how, Government have construed this Section while issuing the order of 28th March. Sir, if you have that Order you will kindly see that the President, in sub-clause (a), suspended some of the provisions of the Union Territories Act, 1963, but, not those Sections—at least Sections 27 to 31, which relate to financial matters. By sub-clause (a), what had happened? Some of the provisions have been suspended and the consequential provisions are contained in sub-clause (b). Sir, this is very important. After suspension of some of the provisions of the Union Territories Act in sub-clause (b), the President makes certain incidental and consequential provisions which appear to be necessary and expedient for the administration of the Union territory of Pondicherry'. What is the nature of the incidental and consequential provisions? It is that the Legislative Assembly of Pondicherry is dissolved and Parliament is now being treated as the Legislative Assembly of the Territory. This is the consequential power which is exercised under section 51 because of the suspension of certain provisions of the Act.

The 29th order purports to proceed to lay down certain incidental and consequential provisions. It does not follow any suspension of any other provisions of the 1963 Act. Those incidental and consequential powers cannot be exercised which are not connected with the suspension of any particular provisions of the Act. Therefore, kindly consider whether, in exercise of an incidental and consequential power which is unconnected

with the suspension of any particular provision of the Act, this order is constitutional at all. Because of the 28th order, the Legislative Assembly of the State is very much alive in the sense that Parliament will exercise all those powers which the Legislature could have exercised. This Parliament has been expressly authorised by the Presidential Order to exercise each and all the powers of the Legislative Assembly of Pondicherry including the powers contained in sections 27 to 31 which have not been suspended. Those provisions not having been suspended and Parliament being very much in existence in the garb of incidental and consequential powers, this sort of power cannot be exercised, which is contrary to sections 27 to 31. Therefore without going into any other question, I submit this on the face of it cannot be an incidental or consequential power because it does not follow the suspension of any particular provision.

SHRI SHYAMNANDAN MISHRA:
Article 357(c) of the Constitution says:

"Where by a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, it shall be competent—

- (c) for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of the State pending the sanction of such expenditure by Parliament."

Here specific mention is made of the House of the People, not of Parliament as a whole. Therefore, by way of elucidation of what I submitted earlier, I would further submit that the assent of the House of the People is extremely necessary. If this assent were secured, even an ordinance that would have been passed later would have been quite in order.

MR. SPEAKER: Has the minister anything to say?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): I would like to reply tomorrow.

SHRI H. N. MUKERJEE (Calcutta-North-East): Sir, it is a matter of propriety and grace. We are discussing this matter and the Law Minister is not ready with his reply. The Prime Minister, who is the channel of communication, is not here. Should the House continue to be treated with this kind of contempt and indifference? The Treasury Benches are empty. Nobody cares. Is this the way in which we propose to carry on parliamentary democracy?

MR. SPEAKER: I have heard all your points with great respect and care, and also the precedents quoted by Shri Sezhiyan about the 1961 case when Mr. Banerjee and Mr. Panigrahi raised this question here and Prof. Mukherjee participated, and again in 1961 when Rajya Sabha was called immediately into session.

I would advise the Government always to think twice before suspending or dissolving any Legislature near about 1st April. It is a very risky matter. They should have done it earlier or should have waited for some time. Therefore, for future guidance, the Government should start thinking about it a week earlier, before 1st April, as to what is to be done. Personally I am not allowing this item to be laid on the Table for the present, until I hear the Law Minister. And I should tell the Law Minister that these people are prepared to go in for impeachment of President, then they will not leave the Speaker also. So, I will also apply my mind very seriously to it....

SHRI JYOTIRMOY BOSU: The displeasure of the House should be communicated to the President.

MR. SPEAKER: The President is advised in this matter by the Council

of Ministers. Please do not go to the extreme.

The Law Minister may consider the precedents and also the points raised by the hon. members that the Lok Sabha could have been seized of it immediately after the Government was duly warned about it in the morning, of 29th March. But the situation grew worse because Saturday, Sunday and Monday happened to be holidays...

SHRI ATAL BIHARI VAJPAYEE: We could have met on Saturday.

SHRI SHYAMNANDAN MISHRA: Instead of coming with an order like this, they could have come with something else.

MR. SPEAKER: That is why I have advised them that, in future, they should not take any steps like suspending the Constitutional provisions, dissolving Assemblies, etc. without going into each and every detail.

SHRI SHYAMNANDAN MISHRA: What about calling the Attorney-General?

MR. SPEAKER: We shall first hear the Law Minister.

SHRI ATAL BIHARI VAJPAYEE: After hearing the Law Minister, if necessary, the Attorney-General should be called.

MR. SPEAKER: After we have heard the Law Minister, we can consider it. But I would advise the Government not to stand on prestige on this matter. If something wrong has been done, it can be rectified, and leave it to parliament to rectify it.

PROF. MADHU DANDAVATE (Rajapore): I have given notice of a very important issue....

MR. SPEAKER: I have not had the time to study other motions.

PROF. MADHU DANDAVATE: It will take just one minute....

MR. SPEAKER: I must be in the full know of it. Kindly keep waiting.

SHRI S. M. BANERJEE: Sir, the draft agreement of 14th March which was given to the doctors is not being accepted now by the Government. I want the Minister to make a statement.

SHRI JYOTIRMOY BOSU (Diamond Harbour): The Minister should make a statement on that point.

MR. SPEAKER: I have received your notices. If there is anything I will see.

Shri Raghu Ramaiah.

14.21 hrs.

BUSINESS ADVISORY COMMITTEE
FORTIETH REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I move:

"That this House do agree with the Fortieth Report of the Business Advisory Committee presented to the House on the 29th March, 1974."

MR. SPEAKER: The question is:

"That this House do agree with the Fortieth Report of the Business Advisory Committee presented to the House on the 29th March, 1974."

The motion was adopted.

14.22 hrs.

Contd.

DEMAND FOR GRANTS, 1974-75—
MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS

MR. SPEAKER: Now, we will take up the discussion and voting on the Demands for Grants under the control of the Ministry of Law, Justice and Company Affairs. The Demands Nos. are 68 and 69 and the time allotted is five hours.

DEMAND NO. 68—MINISTRY OF LAW,
JUSTICE AND COMPANY AFFAIRS

MR. SPEAKER: Motion moved:

"That a sum not exceeding Rs. 6,04,32,000 on Revenue Account be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1975 in respect of 'Ministry of Law, Justice and Company Affairs'."

DEMAND NO. 69—ADMINISTRATION OF
JUSTICE

MR. SPEAKER: Motion moved:

"That a sum not exceeding Rs. 19,04,000 on Revenue Account be granted to the President, to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1975, in respect of Administration of Justice'."

Hon. Members who are present and want to move their cut motions, may please do so.

SHRI R. V. BADE (Khargone): I beg to move:

"That the demand under the head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure to change the election system (12)].

"That the demand under the head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Delay in fixing the franchise age at 18 years (13)].

"That the demand under the head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Undue delay in making available Hindi translation of several laws(14)].

*Moved with the recommendation of the President.

[Shri R. V. Bade]

"That the demand under the head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Delay in encouraging the use of Hindi in courts (15)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure to simplify election procedure (16)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure to provide justice to the poor people free of cost (17)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure to improve the situation arising out of 'justice delayed justice denied' due to the tendency of not disposing the increasing number of court cases expeditiously. (18)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure to convert the departmental labour courts into full fledged courts (19)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Difficulty in getting justice due to court fees and increasing stamp duty (20)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure in making available authorised copy of the Constitution of India in Hindi (21)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure to take any action so far on the joint committee report on Amendments to Election Laws (22)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure to reconsider the issue of reducing the voting age (23)].

SHRI D. K. PANDA (Bhanjanagar):
I beg to move:

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to democratise the Indian Law Institute and make it free from C.I.A. influence. (24)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to create a forum for mutual exchange of views and experience with socialist countries like U.S.S.R. and G.D.R. in the matter of their system of law and justice. (25)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to make comprehensive legislation for elimination of basic sources of economic offences by the larger houses, hoarders and black marketeers. (26)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to reduce the voting age from 21 years to 18 years. (27)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to translate the Central Acts and Rules in regional languages including Oriya language by the end of 1974 and popularise them among the common man. (28)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need for radical re-orientation of administration of justice in the country to ensure cheap and speedy justice to the common man. (29)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to immediately introduce socialistic judicial reforms. (30)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure to implement comprehensive legislative scheme for legal aid to the poor. (31)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Urgent need to provide legal aid to the Scheduled Castes and Scheduled Tribes in all respects specially in their efforts to recover their lands which are illegally taken by landlords. (32)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Urgent need to provide free legal services in cases arising out of implementation of Land Reforms Acts. (33)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to provide free legal services to landless who have encroached upon Government fallow land to defend their right over such land against eviction orders. (34)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to hold Supreme Court in circuit at Cuttack in Orissa. (35)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to fix specific criterion for appointment of High Court Judges. (36)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to improve the existing law for appointment of Judges of the High Courts. (37)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to ensure that no person of a State is appointed as Judge of the High Court of the same State. (38)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure to give correct legal guidance for nationalisation of sugar industry. (39)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to take follow up action after enactment of the Constitution (Twenty-fifth Amendment) Act, in framing different laws to reduce concentration of wealth in the hands of few monopolists. (40)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to make effective legislation for nationalisation of monopoly industrial houses. (41)].

SHRI SHIVNATH SINGH (Jhunjhunu): I beg to move:

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Need to have a High Court Bench at Jaipur in Rajasthan. (42)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced by Rs. 100."

[Failure in providing a system of administration of justice free from corruption and within the reach of a poor man. (43)].

SHRI RAMAVATAR SHASTRI
(Patna): I beg to move:

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Failure to reduce the voting age from 21 years to 18 years. (44)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Failure to make improvements in the election law. (45)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Failure in giving free legal aid to poor people. (46)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Failure in fixing uniform legal fees for the Advocates in the country. (47)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Need to ban communal, disruptive, caste-based and separatist propaganda during the elections. (48)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Failure to introduce the system of proportional representation in all elections. (49)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Failure to provide protection to the Harijans and those belonging to other backward classes at the time of casting their votes. (50)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Failure to check the forcible occupation of polling stations and running away with ballot boxes. (51)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Forcible occupation of dozens of booths by the ruling party in the Madhubani by-election and use of other corrupt practices. (52)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Need to set up separate booths for Harijans and for women at every place. (53)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Increase of corruption in courts. (54)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Excessive costs of litigation. (55)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Detention of people in jails for years without trial. (56)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Unnecessary delays in providing justice. (57)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Failure to keep a check on monopoly companies. (58)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Allowing monopolists to exploit the people freely. (59)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Open violation of M.R.T.P. Act by the monopolists and ineffectiveness of the Government. (60)].

"That the demand under the Head Ministry of Law, Justice and Company Affairs be reduced to Re. 1."

[Need to bring to an end the policy of registering bogus companies. (61)].

MR. SPEAKER: The cut motions are also before the House. Shri Somnath Chatterjee to initiate the discussion.

SHRI SOMNATH CHATTERJEE (Burdwan): I rise to oppose the Demands for Grants of this Ministry.

The way the President of India has functioning has been exposed fully to-day during the discussion we just now had.

The way the President of India has been advised to side-track the constitutional provisions of this country and thereby inflict a blow to the very system of parliamentary democracy in this country shows that this Ministry is not able to justify the powers that have been given to it.

14.24 hrs.

MR. DEPUTY SPEAKER in the Chair.

I was going through the annual report for 1973-74 of this Ministry and I found it to be as drab and dull a reading as has been the functioning of this Ministry during the year.

The performance of this Ministry has been singularly unmeritorious during the past year. It has substantially shaken the public confidence in the judicial system in this country and

in the administration of justice by several appointments to the Bench whose *bona fides* are questioned, by its failure to bring about the much-needed legal reforms in the country and to stop the mal-functioning in the judicial system, to reduce the number of arrears of litigation and to bring down the cost of litigation in this country, by its failure and its apathetic attitude towards providing legal aid to the poor and for its inept handling of the Department of Justice and the Department of Legal Affairs, and to crown it all, I charge this Department is now presiding over the disintegration of the system of parliamentary democracy in the country by subverting the very electoral processes and the electoral system in this country which have now become corrupt. I charge that under this Ministry which is in the overall control and is looking after the election laws of the country, and in the absence of adequate laws, the office of the Chief Election Commissioner has become the office of the Chief Supervisor for Rigging Elections. This is what is happening. The recent elections in UP, Orissa and Bihar have followed the same pattern that was followed in West Bengal in 1972 when under the Government auspices the Election Commissioner had conducted the elections and I say it was a party to the way the election was conducted there as was wished by the intended beneficiaries.

The attitude of the Election Commission is: speak no evil, hear no evil or see no evil. By taking up this particular pose, the Election Commission is conniving at the biggest evil which is overtaking this country, namely, polluting the very system of electoral processes in this country. The ruling party is achieving its objective by corrupting the electoral processes in this country with the help of a pliant head of this Election Commission. A very important question. I feel, arises as to what should the Election Commission do when responsible persons make serious charges about the way the elections are held. We are fed up with the stereotyped

answers given by the Election Commission that they cannot do anything in the matter. Whenever complaints are made, they say, go to the Court. We cannot do anything. I submit, that is not the proper attitude for the Election Commission to take. It has its duties to perform. We have some knowledge of the Election Law in this country. How time consuming the process is, Sir! In view of the nature of the allegations and complaints, what will be the wide ambit of the enquiry? What will be the practical difficulties, one has to overcome, before the election petition can be heard and disposed of?

We know, for years and years the elections petitions are pending. Apart from the Courts of Law, the Election Commission has its duty to perform. It has to superintend and supervise holding of elections. It has to submit its report to Parliament. When complaints are made to the Election Commission, what they do is a ritual only, they give the same reply, you go to a court. I would like to mention of one incident which happened in 1972. In 1972 in West Bengal, before results were declared. I made a complaint to the Election Commission or rather to the Chief Election Commissioner, about the conduct of the District Magistrate of Burdwan with reference to the holding of the election, and how the irregularity was done. Do you know what was done? The same request of mine was sent to the District Magistrate, the same person against whom I made the complaint, to make enquiry and report. That is to say, the person against whom I had made charges was constituted to make an enquiry and decide whether he was guilty or not. Can you imagine a more illogical and ridiculous thing? This is the way the Election Commission functions. I wrote back to the Election Commission, saying, if you are impotent, then tell us so. If you have no machinery to hold an enquiry say so. What is the use of sending it to the District Magistrate, against whom I have made charges? You are to supervise the work of elections. Therefore what we feel is this. I

demand this of this Government. It is very necessary that very wide-ranging electoral reform has to be made, both in letter and in spirit. Electoral laws have to be enforced. One very important issue now arises. The Constitution says that the Election Commission should be a multi-member body, Please see Article 324 of the Constitution. It says:

The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners if any as the President may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President.

Since the promulgation of the Constitution we have had only single-member body. Sir, you may recall that Parliament had appointed a Joint Committee to go into the amendments to the Election Law. Mr. Jagannath Rao was the Chairman and the hon. Law Minister was a Member of that Committee. That Committee recommended that Election Commission should be a multi-member body. They said:

"The elections have therefore become a continuing process entailing enormous work on the Election Commission. The immensity of the task of the Election Commission and the complexities of the duties it is called upon to discharge are too obvious and do not require any elaboration. It is too great a burden for a single person to exercise supervision, direction and control over elections effectively and consequently he is likely to be exposed and vulnerable to charges of arbitrariness and partiality. The Committee therefore recommend that the Election Commission should be a multi-member body as envisaged in Art. 324(2) of the Constitution: While the decision about the exact number of Election Commissioners necessary to assist the Chief Election Commissioner in the performance of his duties may be left to

Government to determine, the Committee considered that an enlarged Commission will be able to discharge more effectively the responsibilities relating to elections and in exercise of its quasi-judicial functions, a broad based Commission is likely to reach generally acceptable decisions and command respect."

I would like to know from the hon. Minister one thing. Although he was a willing party to this recommendation—unanimous recommendation—of this Committee in which all parties were represented—and although the report was submitted in 1972, till now, no attempt has been made to change the law to constitute the Election Commission as a multi-member body. Why has the Government changed this attitude and why has the Law Minister, as a party to this recommendation, changed his mind with regard to the recommendation that has been made unanimously by the Committee? Of course, we have our suspicion and that suspicion is that the Chief Election Commissioner being a single Member of the Election Commission is much more readily amenable to influence and desire of the ruling party.

Another thing that is corroding the vitals of this country is the system of appointments made not only of the retired judges in this country but also of the retired Chief Election Commissioners. The Chief Election Commissioner who has such important duties to perform in this country is being given appointments after retirement. These persons know that they will have to keep the government happy and pleased, so that they will be provided with the appointments even after the age of sixty-five. This is a pernicious system that is being followed. Why should a retired man be appointed to such posts? Why should a retired judge be appointed to the Law Commission of India? It is not a question of personality—I have no personal grudge against the gentleman concerned. I am only concerned with the question of principle involved. The officers like the Auditor General of India, according to our

Constitution, are debarred for re-appointment. And appointment of a retired judge to the Law Commission is also one such thing. He should be above suspicion and above allurements. I have been trying to raise the question about the re-appointment of judges. The hon. Law Minister knows that this did not find favour with Government. This is one of the posts which should be beyond this sort of allurements. The same has been given to the incumbent. I therefore submit that these are vital aspects. Electoral law reforms are necessary. There must be laws introduced reducing the voting age. The same has been unanimously recommended by the Joint Committee of the Government. They also recommended that there must be stringent laws from preventing the misuse of Government machinery during elections. Initiation and execution of public welfare projects which we see in the neighbouring states in this country till recently also should be prevented during elections. These are matters to be looked into and decided upon immediately. I say that this ministry has failed to bring about the necessary law reforms in the Election Law in the country.

This is the very basis of a proper functioning of our democratic system.

I now come to the Ministry of Law—Department of Company Affairs. This Department has been entrusted with the work of two very important statutes, namely the Companies Act, 1956 and the M.R.T.P. Act. By its inaction and failures, the Ministry has failed to stop the glaring instances of mismanagement. One instance I can give you. That is about the Metro Cinema. I raised this question while discussing the Demands for grants for the Information and Broadcasting Ministry. I am not going into it again. But, so far as Metro Cinema is concerned, it is an American concern run in this country. It had been said on the floor of the House that its shares had been controlled clandestinely in a shady manner contrary to the various laws operating in this country. It was also

[Shri Somnath Chatterjee]

admitted by the Minister for Information and Broadcasting on the floor of the House that this was a shady deal. And while replying to the debate he said that this required to be looked into. An Indian has brought that under his control which was a foreign company once and the Minister of State for instance, Shri K. R. Ganesh also said that the matter had been referred to the Company Law Board.

I would like to know what has the Company Law Board done from 1972 onwards they came to know of these serious violations of important provisions of the law in this country. Nothing has been done. On the other hand, the Government of India was made a party to the litigation that was filed in the Calcutta High Court by the employees of the Metro Cinema. The Government lawyer appeared before the Court and said that he would not participate in this litigation. Although the court asked him 'What is the attitude of Government because it has come out in the papers that Government want to take it over, and the Finance Minister had himself said in Parliament that there were violations of the laws of this country?', the Government lawyer solemnly told the court that 'We are not going to participate in this; we have wrongly been made a party'. I would like to know from the hon. Minister what advice was given by his Ministry in the case of Metro Cinema in regard to which the other Departments of Government were so keen that this type of illegality should not be perpetrated. I would like to know why the Law Ministry and the Company Law Board and the Department of Company Affairs were sleeping over the matter although they were made fully aware of it and why they kept themselves aloof from these legal proceedings. I say that this attitude of aloofness was nothing but conniving at the illegal activities of these international smugglers. They have been described as such on the floor of the House by the Government themselves. These

international smugglers were helped and connived at when this Ministry failed to attend to this case, and appear in that case and support the case of the workers.

Under the Companies Act itself there are various provisions to find out information even with regard to foreign companies. I would like to know whether Government got the relevant particulars from the Metro Theatre which is a foreign company, by applying the provisions of Part XI of the Companies Act. Did they do so? If so, what did they find? If they had found anything wrong, what steps had they taken from the point of view of the Company Law Board or the Companies Act? I would request the hon. Minister to deal with this matter and not to sidetrack it as is often the case.

So far as this Department is concerned, there are two main demands which we have been making, namely that law should be promulgated to allow participation of workers in the management of the corporate bodies, and secondly that workers' participation should be there in the form of ownership of equity shares. In both these aspects there has been singular failure on the part of Ministry to formulate legislation so that the workers could get some say in the management statutorily and also have participation in the ownership of equity shares. In both these respects, Government have totally failed.

The Company Affairs Department and the Company Law Department have very important powers and very important functions also to discharge. There is a power that they ought to see that there is no concentration of wealth or the growth of economic power in monopoly concerns and foreign companies. But the Department has singularly failed in this objective also. So far as Firestones, India Tobaccos Hindustan Lever, Union Carbides, ICI, Pfizers and Colgate are concerned, we have had discussions in the House, and they provide glaring examples of how with the

help of the Companies Act and the Company Law Board and the inactivity on the part of this Ministry they are going on enlarging their resources, power and domain.

Section 408 enables the Government to appoint directors on companies which are being mismanaged. During 1973-74, only in the case of nine companies this power was exercised. But the important thing is that selection has been made of persons to represent the Government in the Board in such a way that the entire object of appointing Government directors on the board is being frustrated. I know of a concern in Calcutta, which I have already brought to the notice of the hon. Minister, where I am told that two directors were appointed who were not on speaking terms and who were not cooperating with each other. Such selections only display a bureaucratic attitude and no real objective is being achieved thereby. The whole purpose of appointing Government directors is a very salutary one, in the Companies Act, namely to prevent mismanagement. But that has become a dead letter. I am told that although it has been exercised in a very few cases, in many of those cases one or other of the Government directors is siding with the management which is already discredited.

This is the way this department is functioning. Under s. 410, there is a provision to appoint an advisory committee to advise Government and the Company Law Board as to the functioning of the Companies Act. I find from the report that the committee was appointed on 1st May 1972, but up till 31st March or up to the time of the preparation of the report, it has sat only once. A committee appointed on 1st May 1972 to give advice on the Companies Act has met only once in the last two years. This is the way they are advising Government. This is an important provision, because this advisory committee can advise Government. I do not know its constitution. But it is almost moribund; it is not functioning.

Then the Company Law Board has laid down certain guidelines for sanctioning remuneration for managing directors and wholetime directors.

MR. DEPUTY-SPEAKER: Instead of 13 minutes due, you are about to take 23.

SHRI SOMNATH CHATTERJEE: Another three or four-five minutes. Under the Companies Act the Company Law Board has framed certain guidelines for sanctioning remuneration to managing directors and wholetime directors. In p. 56 of the 17th annual report of the working and administration of the Companies Act, the guidelines have been laid down. Would you believe that this is the general guideline? Salary not to exceed Rs. 60,000 per annum, that is Rs. 5000 per month. Perquisites: Rs. 1,000 apart from the company's contribution towards the provident fund, towards pension scheme etc. Medical benefits gratuity, leave—all these concessions are there and over and above these, Rs. 12,000 is being given to them. This Government has laid down this guideline from the socialistic point of view—to allow Rs. 5000 salary a month and all these perquisites in respect of managerial remuneration for the managing director and whole time directors. This is the sort of salary and these are the types of perquisites indicated in the guideline. Is this our object, that in the higher echelons we shall be allowing such type of salaries and such type of perquisites?

There are many other matters to be dealt with. I will touch only on a few of them due to shortness of time. There is an important provision of special audit. Only in four cases it has been utilised in the last year. There is the provision for cost audit, a very important power, to find out whether there has been proper utilisation of raw materials and resources. Only in 37 cases, it has been utilised. This is how this department is functioning.

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There is a provision for scrutinising sole selling agencies. This is one of the methods by which company managements divert profit. In 1972-73, only in 14 cases was scrutiny initiated and of these only in 3 was it completed. In 11 cases, it is still pending. In one year they cannot complete scrutiny of more than 3 cases of sole selling agency agreements!

As for the public trustee I want to bring to the notice of the hon. Minister that there have been serious complaints about his functioning.

Now I want to advert to one aspect of the functioning of the Department of Justice.

MR. DEPUTY-SPEAKER: You started with that.

SHRI SOMNATH CHATTERJEE: That was about the Law Ministry—the Election Commission and so on.

MR. DEPUTY-SPEAKER: No, no.

SHRI SOMNATH CHATTERJEE: This is very important. Nowadays we find that so far as appointments are concerned, there have been serious criticisms. I am not going into individual appointments. But I would like to know what the criteria for appointment of judges. Is it being done in Shastri Bhavan alone or are the Chief Justices taken into consultation and their views taken as to how the vacancies are to be filled? For the last six months a vacancy in the Supreme Court has not been filled. Why?

So far as retired judges are concerned, I have said—this is a very serious thing—that no retired judges should be given appointments.

So far as the salary conditions of Judges are concerned, there have been serious complaints and grievances in view of the price rise. I do not know the hon. Minister's views in this matter.

There is one particular matter to which I wish to draw the attention of the hon. Minister. A memorandum has been submitted by Diwan Chaman Lal and other lawyers regarding the functioning of the Delhi High Court to the President of India. I find from the copies of their representation that the President has assured a favourable consideration but no decision has been taken for months. That matter should be taken note of.

So far as law reforms are concerned....

MR. DEPUTY-SPEAKER: The hon. Member's time is up.

SHRI SOMNATH CHATTERJEE: I do not know how many speaker are waiting.

MR. DEPUTY-SPEAKER: There are many.

SHRI SOMNATH CHATTERJEE: As you are ringing the bell—you are so impatient....

MR. DEPUTY-SPEAKER: I am not impatient. I have given you ten minutes more.

SHRI SOMNATH CHATTERJEE: There is the question of legal aid. These are matters which should receive the immediate attention of the Government, that is, providing legal aid to the poor. In the new Criminal Procedure Code, some sort of pittance of a provision has been made so far as criminal cases are concerned. In the case of habeas corpus, in the case of dismissal from service, in the case of industrial disputes, there is no provision for legal aid at all. The Government has been promising to bring forward suitable legislation, but nothing is being done. With the recent price rise in every-thing, kindly think of an earning employee who has lost his job or the employees who has to agitate matters before a tribunal before a court of law. The case is taken to the Supreme Court by the Government

even if they win in the lower court. What provision is therefore these employees and the poor people to get their grievances redressed? Therefore, I submit that the Government must immediately take a decision on the question of providing legal aid to the poor people.

SHRI JAGANNATH RAO (Chattrapur): Sir, while I support the Demands of this Ministry, I wish to make a few observations. This is a very important Ministry in the Government of India. Though it does not wield economic power, still, it discharges very important functions. It advises the Government in its functioning and also it deals with the important matter of appointment of judges to the high courts and the Supreme Court, apart from other incidental duties. It is also in charge of the administration of the company law and also the administration of the MRTTP Act.

While speaking on this Ministry, I wish to say that it should be brought to the notice of the Government—and I am sure the Government is already aware of it—that the cost of litigation is going up from day to day. The State Governments have been increasing the court-fees rates from year to year and they are treating this court-fees as a source of income, with the result that it has become very difficult for the litigant public to go to court. This is a matter which the Government of India should seriously take up with the State Governments and see that the court-fees should not be used as a taxable item to add to their revenues.

Then there is the question of delay in the disposal of cases. There are serious delays not only in the Supreme Court and the high courts but at different levels with the result that the poor litigant is not able to pursue his claims in a court. Additional judges are being appointed but still the arrears also continue. The number of judges is going up but the arrears also are going up. Therefore, some measures have to be devised by the Gov-

ernment to see that the delays are dispensed with.

About legal aid to the poor, to which Mr. Somath Chatterjee has referred, I would also say that the report of Mr. Justice Krishna Aiyar's Committee has not been processed so far. To think of legal aid to the poor on a voluntary basis can never be a success. In the United Kingdom, the Government have constituted a fund out of which fees are paid to the lawyers in deserving cases, and these cases are scrutinised by a Committee, and when the lawyer wins a particular case, the costs are recovered from the opponent and the amount spent is reimbursed. That is how the fund is being maintained. 80 per cent of the cost incurred by the Government is reimbursed by the opposite party. That is how this scheme can be made to succeed. Let the Government to have a nucleus of a fund, with and also advise the State Governments to have a nucleus of a fund. Then alone this can succeed. Otherwise, this scheme will only remain on paper just as a scheme and the poor litigants will never get any justice.

About the appointment of judges to the High Court and the Supreme Court, there should be no further controversy, because the Government have said that they have accepted the recommendations of the Law Commission wherein norms have been laid down. According to those norms appointments are being made. Therefore, any suspicion or doubt which existed at one time in the minds of some people should no longer exist.

There is one aspect which worries me and that is the reappointment of judges to various bodies, commissions, etc., which would impair the impartiality of the judges. At least you should not create suspicion in the minds of the general public that the judges after retirement are hankering after jobs. This should be avoided to the extent possible. The Law Commission and the Official Language Commission have

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become old age homes. In countries like Sweden old people are taken care of by the Government at State expense in old age homes. They live there; they have become unproductive and are not serviceable to the society and, therefore, the Government takes care of them. It is a welfare scheme. Similarly this institution has become a home for the old. All the retired people are there. I have nothing personal against them. Most of them are known to me personally. If a person is considered to be fit at the age of 75 or 80 why should not the Government enhance the age of retirement of the Supreme Court judges to 75 and that of the High Court judges to 70? To give them appointments after retirement in this Commission or that Commission would not speak well of the Independence and impartiality of the judicial system. Some of them have retired not once or twice, but even thrice. They will never retire till the end. Therefor, whatever we do should appear to be just and equitable and it should appeal to the masses of the people. What is the Law Commission doing? The purpose of the Law Commission is to examine the laws in the country and see whether they are in conformity with the Directive Principles of the Constitution and to suggest necessary amendments. The work is slow perhaps because they are old people.

The Official Language Commission is presided over by a retired Chief Justice. The Official Language Commission is to see that Hindi which is the official language in our country according to the 1963 Act progresses. But what is happening? Nothing is being done. There should be Hindi enthusiasts, not retired judicial officers, in this Commission. All the Central laws should be translated into Hindi and also in the regional languages. Unless that is done the legal Maxim "the ignorance of law is no excuse" has no validity. A man should know what the law says. This work should be expedited.

I now come to the Election Commission. My friend Mr. Somnath Chatterjee has referred to the conduct of elections. The general cry of the opposition parties after the election is that the elections are rigged. They cannot succeed in the elections. The Congress gets majority, Congress Governments are formed in various States and also here. In the 1971 elections to the Lok Sabha, the general complaint was that some invisible ink was imported from Soviet Russia and used here in the elections. There is one party system in Russia and everybody will vote for that party. Why should Russia invent the invisible ink? For the benefit of which country? Now they say that the elections are rigged in Orissa and U.P. People have faith in the Congress policies and programmes and they have faith in the leadership of our Prime Minister. That is why people vote for the Congress. To say that the Elections are rigged is, therefore unfair. I do not agree with such criticism, whichever quarter it comes from.

I am not going to deal with the various provisions referred to by my friend in the Company Law, because an amendment Bill is before the House and we can discuss the various provisions when the Bill comes up for discussion. There is also a Bill for amending the Representation of the People's Act. We can go into those details at that time. The Company Law is a regulatory enactment which regulates the functions of the company. There are 36000 companies in the country out of which about 28000 are private limited companies and about 7000 are public limited companies. The report states as follows:

"Basically, the inspections are intended to ensure that the affairs of the companies are being carried on sound business principles and the companies are complying with the regulatory provisions of the Companies Act both in letter and spirit. It has also been the endeavour of this Department to find out during the course of the inspections whe-

ther the management are indulging in practices which are harmful to the interests of the companies concerned or of the public in general."

"The Inspection Reports have revealed several defaults of omissions made by companies in complying and commissions made by companies in complying with the various provisions of the Act. They have also received some malpractices and acts of mismanagement."

During the period April to December 1973, 263 inspections were carried out as compared to 227 in the previous year. The report gloats over the performance of the Inspection Directorate of the Company Law Department. I do not know whether I should be proud of the performance of the Inspection Directorate. A Cadre should be built in the Inspection Directorate to inspect the companies, both public limited companies and private limited companies, and the report should be made public so that people may know how the companies are functioning, whether they are operating on sound business principles and whether they are complying with the regulatory provisions of the Companies Act. These are very important functions which the Department of Company Affairs and it has to discharge and this has not been done so far. The small number of inspections which have been carried out, are not sufficient to justify its very existence.

Then, Sir, another important thing which the Company Law Department has to do, is to scrutinise carefully the inter-corporate investments. This is a clever device used by these large houses to invest in other companies and thus gain control over those companies. They have to be very careful and cautious in scrutinising and giving sanction.

Then, Sir, there is also another aspect. This Department should safeguard the interests of the minority shareholders also.

This Department should be a full-fledged department and they should

appoint as many officers as are required, so that they are able to function effectively and see that companies work on sound business principles.

Then, Sir, I would like to refer to the MRTP Act which was passed in 1969 and which came into effect on 1st April 1970 to check the growth of monopolies. Has this become an effective instrument in checking the growth of monopolies? Actually, monopolies are being regulated. When an application is made under Section 21, for expansion of the existing capacity, or under Section 22 for starting a new industry or a new business, the Central Government may, if it thinks necessary, refer the application to the commission. The opinion of the Commission is only advisory and it is not mandatory. Sir, in discharging all these functions, the Commission is guided by the principles laid down in Section 28. If these principles are to be followed nothing can come out of the Commission. With your permission, I would like to quote Section 28;

"In exercising its powers under Part A or Part B of this Chapter, the Central Government or, as the case may be, the Commission shall take into account all matters which appear in the particular circumstances to be relevant and, among other things, regard shall be had to the need consistently with the general economic position of the country—

- (a) to achieve the production, supply and distribution by most efficient and economical makes of goods.....

Then, there are two other conditions which have been laid down.

- (e) to encourage new enterprises as a counter-vailing force to the concentration of economic power to the common detriment;
- (f) to regulate the control of the material resources of the community to subserve the common good.

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These are not given importance. But it is the production, supply and distribution, which is being given importance. Permission is being given, either in respect of expansion or existing capacity or in respect of starting a new undertaking. Sir, the Commission should be used as an effective instrument to check the growth and not regulate the growth of these companies.

Then, I would like to refer to Section 31, which deals with Monopolistic Trade Practices. Here also, Government may refer any case to the Commission. It says:

"Where it appears to the Central Government that one or more monopolistic undertakings are indulging in any monopolistic practice....that Government may refer the matter to the commission for an inquiry."

15 hrs.

So, Government has the power to refer or not any case to the commission. It is not cognizable by the Commission. Unless Government refers it, the Commission cannot go into it. Section 10 dealing with the jurisdiction of the Commission says that the Commission may inquire into any restrictive trade practice upon its own knowledge or information but in the case of a monopolistic trade practice, only upon a reference made to it by the Central Government and not upon its own knowledge or information. So, section 10 has to be amended so as to give the Commission the same jurisdiction to act on receipt of information. The strength of the commission should be increased so that they can function effectively. I have seen some recent cases where out of the three members, 2 are of one view and the third is of another view. Only in one case, the Government accepted the minority view. If you want to use this Act as an effective instrument to check monopolies, section 10 should be amended.

Section 37 deals with restrictive trade practices. It is rather unfortunate that

the Commission has not been able to go into restrictive trade agreements and come to a decision. The Commission exists for checking these restrictive trade practices. Cases are not being referred to them by the Government and they are not doing anything. About the criteria for Government to refer any case to the Commission, nothing is laid down under the Act. If the Government likes, it may refer a case to the Commission for enquiry; otherwise not. Section 37 should be used more rigorously and all these agreements should be scrutinised.

Section 27 also can be used to check the growth of monopolies. It is open to the Central Government to call upon any monopolistic house to shed its shareholdings in certain companies. This has not been done so far. Either you should prefer a medium entrepreneur coming in for the first time so that in course of time there can be a counter-vailing force against larger houses or if you think that only the large houses can ensure production, you must see that they shed their shareholding and throw it open to the general public. Section 27 has to be used effectively as also section 37 so that this Act becomes an effective instrument to check the growth of monopolists. Only then the Company Law Department can justify its existence.

SHRI D. K. PANDA (Bhanjanagar): Sir, with regard to the administration of the MRTP Act of 1969, at page 72 some facts have been given with regard to some of the cases which were brought and disposed of. But there is absolutely no review of the activities of this Commission and to what extent they have really checked the growth of monopoly and other nefarious trade practices. As far as this ministry is concerned, there is a total failure on its part to make any review. They have not the courage also to come with a factual report as to whether they have actually gone to some extent in checking the growth of monopoly. On the other hand, under the very Act, the Hindustan Lever was granted a

licence for the manufacture of what is known as S.T.P. which is used to manufacture synthetic detergent. The approval for this has been given. It is based upon the judgment of two members, with one other member of the Commission dissenting. The dissenting opinion is already laid on the Table of the House, and I need not enumerate all those things. What I find to my surprise is that all those points that have been raised by the dissenting member have not been met, nor any attention has been paid to those very vital aspects of the matter.

As far as the past record of this particular company, the Hindustan Lever Ltd., is concerned we know that there was stockpiling of dalda by this company; then all of a sudden when the Government raised the price of ghee, they released to the market all their goods. Similarly, with regard to baby food and other goods, the same type of stockpiling went on. This was brought to the notice of the Government, but no action has been taken. As far as Rex. Sunlight Lifebuoy and other soaps are concerned, they are not available and if at all they are available the prices have gone up. As I said, they hoard and stockpile all the consumer goods and when the prices rise, they release the goods. This affects the consumer; specially those with fixed-salaries are very badly affected.

They are today increasing the distribution charge by 20 paise per dozen of soaps and from tomorrow it will come into effect. Originally there was absolutely no distribution charge. After some time there was a charge of 25 paise, and now another 20 paise are being added to it. When it actually reaches the consumer, he has to pay nearly one rupee.

I want to know why this company, a foreign company, which is a subsidiary of a multi-national giant known as Unilever, has been given all these favours, what is the reason. When indigenous industrialists are available both in the public sector and in

the private sector who are well-versed in the production system of the some detergent, where was the necessity to give licence to this particular foreign company which has been looting the country?

I will point out one more aspect also. The Hindustan Lever are already having a dominant position; they are controlling 60 per cent in Indian detergent industries. Now, by this licence, the control will go up to 80 per cent. The other industries, small industries, have made a representation to the Commission that their production will be greatly affected, and even though they have applied for licence, they may refrain from going for further production or further expansion because of fierce competition. Under the such circumstances, I demand that this Ministry should take immediate steps to revoke the approval already granted to the Hindustan Lever Ltd.

The only argument that the hon. Minister may advance is that there will be equity dilution; from 85 per cent of the shares, it will go down to 70 per cent. But by that the concentration of economic power in the hands of the Hindustan Lever Ltd. is not going to be checked or reduced. Therefore, it is a monopolistic position and by that they are dominating over every aspect and there is absolutely no check on the growth of monopoly power. Not only a great harm is done by these existing monopolies but they cannot also be brought even under effective control. This is a core sector. The public undertakings should not be affected by such granting of licences.

Now, I will just give some facts. The total dividends are expected to increase from Rs. 231 lakhs in 1972 to Rs. 403 lakhs in 1978 and the dividend to Unilever which was Rs. 146 lakhs in 1972 has increased to Rs. 152 lakhs in 1973. But the Unilever's actual cash contribution to the creation of assets in the Hindustan Lever is only Rs. 272 lakhs. It has further obtained

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bonus shares of the value of Rs. 1012 lakhs and the total dividend remitted abroad upto 1972 after deduction of taxes by this firm is Rs. 1488 lakhs. These are the remittances and these are the dividends. And what is their actual contribution? It was only Rs. 231 lakhs. So, from this point of view it is against the policy of the Government. Section 28 categorically says that when such cases come up, this section is meant to curb such growth of monopolies. But that section 28 of the MRTP Act is violated in this particular case. Therefore, I demand that it should be revoked.

Now, with regard to the MRTP Act, what I want to suggest is that several times several things have been brought to the notice of the Government and specially, the Law Minister has a special duty to make certain amendments to this very Act. We have been demanding complete nationalisation of the monopoly houses and especially, foreign monopolies. But, at the same time, within the frame-work and the existing frame-work certain amendments can be brought about, but, the hon. Minister has been showing a callous attitude to this problem. Several times this was brought in this House for discussion.

Now, a word with regard to the amendment of the MRTP Act making the share in the equity in the ratio of 75:25 and not 74:26. The existing ratio is 74:26. It must be made 75:25. Then those foreign shareholders companies who are having a small share cannot have a dominant hold and control of the companies concerned. Therefore, this amendment has to be made immediately. Take for instance, the ESSO take-over. Now, in the matter of expansion of capital structure, sale of assets beyond Rs. 50 lakhs, investments of this company in any other field and equity participation, with regard all these four aspects, the major share-holder

has absolutely no say. It is the minority share-holders who are the foreigners or the vested interests or the big and large business-houses which have got the vote power and on these matters the majority view cannot prevail because it can be voted down. Therefore, to that extent an amendment is warranted immediately.

The other aspect is that the Punjab Private Company which is prospering with government money is a monopoly concern and is taking big loans from Government and financial institutions and is flourishing with Government money. It should be immediately checked. Now this Hindustan Lever never wanted to come in for the fertiliser plant which was to take place in the joint sector with the Government of Punjab because that would not yield more profits. Therefore, immediately they switched on to this particular manufacture of sulphate. Their motive is profit, nothing but profit. To check it it is our demand that there should be strict provision and amendment of the Election Law.

43 cases were referred to the MRTP Commission. A few cases have been withdrawn by the CLD, Company Law Department, after the Commission had spent a lot on investigation. From the report it is seen as to how many cases were referred, how many cases were withdrawn, etc. I do not know why they should be allowed by the Government, by the Company Law Department, to withdraw the applications. The Commission had already started investigation. They have spent lot of money for that. It is a great loss to the country, to the Government and to the people at large. It is my submission that Government should not intervene and withdraw such cases. It shows that they are in league with vested interests and big monopoly houses.

There are a number of cases which to be referred to the Commission under Sections 21, 22 and 23 of this

Chapter III of the Act, but they have been decided by the Government, without any reference to the Commission. Now, this has come out in the *Statesman* dated 10-3-74. A spokesman on behalf of this Commission had issued a statement, in a press conference. He had come out clearly that the Government of its own accord, had taken decision without even referring certain matters to the Election Commission. Therefore, I demand, this practice should be completely stopped and such cases have to be referred to the Election Commission.

Now, there are no particular guidelines for reference the cases to the Commission. I say that such guidelines should be adopted. It is immediately necessary that we should adopt such guidelines. If the Government does not refer certain cases, then they are not seized of the matters and they cannot make enquiry. This should be changed. Some guidelines should be there. They must have full power to go into and decide matters themselves. Where it is found that the law stipulated under the Industrial Policy Resolution is being thwarted, then, on such occasions, the Ministry should interfere and see that there is a check.

With regard to Law and Justice, I have to make some points. We have been demanding legal aid to be provided to poor. They simply say: 'The recommendations of the expert Committee, dated May, 1973, are under examination'. How long will it take? I have absolutely no time. I have catalogued various assurances given in the public meetings, in this House, outside also. In Nagpur the hon. Minister himself issued several statements. The dates are 19-11-73, 9-5-72, 11-3-73. Then on 15-11-73 so many promises were made. After our Twentyfifth Amendment, if at all it is meant for weaker sections of the society, if at all it is meant to be a check on the growth of monopoly, if at all it is to check concentration of economic power in the hands

of a few, then, subsequent action should have followed. Legal aid is a part of such an aid to the weaker sections of the society.

There may be a law. But, if that law is not implemented and if the poor cannot see that that is implemented in their favour, we cannot say that it is going to help the weaker sections of the society.

In 1958, a bill was introduced by Government of Maharashtra; and in Kerala also, the same bill was introduced. There the bill is still in vogue. What is there for further examination of the same? With regard to Orissa also, there are about 4 lakhs acres of surplus lands and about 34 lakhs of Government lands which are going to be distributed to the landless poor. But, the landlords resist that move and they are evicting their tenants. And Cr. P.C. is being used against the poor tenants.

When they are going to enact the Land Reforms Bill, however, progressive the measures that may be, the ceiling on land is only upto 10 standard acres of land. Beyond that, the surplus lands are going to be distributed to the landless. There are disputes already. And the matter is being taken to the Civil Court; the matter is also being taken to the criminal courts. The police is interfering. And 145 Cr.P.C. is used against them. That has brought in the people in the nature of disputes for being in possession of such lands. As a result of this, persons are deprived of the lands. Under the system of legal aid to poor, thousands and thousands and even lakhs and lakhs of poor tenants have to be defended for being in possession of such lands. This is very important. I think the Government should not shut its eyes as far as this issue is concerned. There is encroachment of Government lands by these very tenants amounting to more than 2 lakhs. They are defending the cases in the court. As far as their cases are concerned, they feel

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that they are helpless because they cannot take up the matter in appeal to the District Collector.

So, even to-day, the legal aid to poor only remains on paper. There should be a change in the attitude of Government as far as legal aid to these poor people is concerned. I am going to submit one thing. I have already submitted four or five bills but they are not allowed to be introduced. What difficulty is there in drafting such a bill for giving aid to the poor? This position must be made very clear by Government. If you feel that this will result in a lot of money being invested for the purpose, this only means that the same is going to help the poor agriculturists to produce more and more. The poor cultivating peasants should be encouraged to make their contribution as far as food production is concerned.

MR. DEPUTY-SPEAKER: Mr. Panda, you have taken more than double the time allowed.

SHRI D. K. PANDA: I am finishing it. My demand is this. As regards judicial authority, a memorandum has already been addressed to the President and a copy sent to the hon. Law Minister. That is dated 6th October, 1972 by 44 advocates supporting the demand for socialistic judicial reforms. I shall read that out so that I can finish in a minute. I shall take a minute only. This relates to a social worker Shri H. P. Vaid. What is stated by the order is: I have already referred to the memorandum. I simply want to draw his attention how this very judge has again revised his own erring judgement by another order. I quote:

"By this order, undoubtedly, the allegations contained in the memorandum dated the 6th October, 1972 stand admitted and proved and now only the question of fixation and apportionment of responsibility remains to be probed into. Even though the restoration of the pro-

perty back to Mr. Vaid, its rightful owner, has been ordered, but nevertheless, the same is virtually lost to him as it has been fraudulently sold twice in the meantime and its recovery from the transferees requires protracted and indefinite litigation."

My point is: whether there is abuse of authority. There must be a check. Therefore, I demand that there should be a highpowered Committee consisting not only of Members of Parliament who are well equipped in law but also some of the eminent jurists should be taken in that Committee to have a check and safeguard against the misuse of power.

SHRI DINESH CHANDRA GO-SWAMI (Gauhati): I rise to support the Demands for Grants of the Law Ministry. The Demands of this Ministry were guillotined last time without a trial, and therefore, we are all happy that this time we have got an opportunity to discuss it. We find, if we go back to the last two or three years, that some of the most controversial decisions which had rocked this country were initiated by this Ministry.

For example, we can refer back to the constitutional amendment relating to the power of the sovereign Parliament to amend the Fundamental Rights or the constitutional amendment regarding article 31 or to the recent controversial decision regarding supersession of judges. If we look at this controversy we find also that the controversy has arisen because of the legal education and the legal system that we have followed where we have been guided by the traditional concept of the rule of law, namely that the law must treat everyone equally and the inner aim of law is to protect life, liberty and property. It is because of this traditional concept that in many cases the controversy has taken a misguided direction.

I, therefore, feel that the Law Ministry has today the duty to formulate a review of the entire legal

system of this country and to bring a new approach to the legal system. After all, we should not forget the Aristotlean concept of justice that there is injustice when equals are treated unequally and there is also injustice when unequals are treated equally. The controversy took place on the constitutional amendments which we had passed during the last two or three years which were in a sense intended to do away with the equal treatment of the unequals. But it is not really by the constitutional amendments only that we can create an atmosphere in which this unequal treatment of the equals can be done away with. There is much to be done in various other spheres, and I feel that the Law Ministry should think of a comprehensive approach to the entire aspect.

Coming to the reform of law, I want to project a few points before the House for consideration. If we look around the country today we find that many of the progressive projects which we had taken up during the last few years have not been implemented fully because the official machinery is not there to implement it. We have all been talking about it, but unfortunately we find that although there have been many major constitutional changes and amendments, there has been no effort on the part of Government to bring about changes in the different laws and also in the Constitution with a view to making a complete restructuring of the administrative system. I feel that the time has come when Government should seriously think of amending article 311 of the Constitution. I do not think that in any other democratic country, a civil servant enjoys so much of protection as we have given to him in this country. Even if a civil servant commits mistakes he is really in the most advantageous position because of the constitutional protection given to him. Even if he does not achieve any results, he is fully protected by the Constitution. I feel that if we want to implement the progressive policies of this country, we

must make the civil servant result-oriented, and we can do so only by amending article 311 and other relevant provisions of the different enactments. I do appeal to the Law Minister to take it up very seriously about how to achieve this. We know that a very highpowered Cabinet Committee had also been formed, and as the press report goes they have submitted an interim report also. I do not know what type of interim report they have given. I hope that the hon. Minister will give us some indication of how he is viewing the entire problem.

The time has come when we should have a complete and comprehensive change of the penal provisions of the different laws. Today, the unfortunate situation is that the penal provisions in the different law are being dealt with by different Ministries. For example, it strikes me as rather odd that the IPC or the Cr.P.C. are still the subject-matters of the Home Ministry, and the Home Ministry brings forward the Cr.P.C. Bills before the House. After all, the IPC and the Cr.P.C. touch every individual very gravely in this country and I feel that an expert like the Law Minister should handle these laws. But I find that they are being dealt with by the Home Minister. I have nothing against the Home Minister, but I feel that an expert persons like the Law Minister and the Law Ministry should handle it. Similarly, the Prevention of Food Adulteration Act comes under the Health Ministry. Equally, I find that the company law and other different laws containing penal provisions are under different Ministries. If you look at the penal provisions of all these laws you will find that there is absolute irrationality in them. For example, under the IPC when a man commits a murder, the punishment is a capital one and in mitigating circumstances life imprisonment. But an individual who willingly and knowingly poisons another by food adulteration resulting in the death of that individual receives under the Prevention of Food Adulteration Act a maximum punishment of only 3 years. There is absolute irra-

[Shri Dinesh Chandra Goswami]

tionality in this. When a person commits a crime against the entire society by hoarding foodstuffs, the punishment is very very less. Today the entire economy is jeopardised by the existence of black money. But there is no adequate punishment to those who are caught indulging in these transactions.

I feel the time has come for the Law Ministry to take into account the entire gamut of the penal provisions of all the Acts and have a rational approach and have an approach which is completely different from what it is now. If the punishment for killing a man is the death penalty or in mitigating circumstances life imprisonment, how could a similar crime of killing a man by food adulteration or paralyzing him, be dealt with except by capital punishment or life imprisonment? I do not see any justification for the three year imprisonment now in force. Yet this is what we find in the Prevention of Food Adulteration Act. I would request the Ministry to examine all these provisions and rationalise them and recommend to the respective Ministries how different offences should be met by the appropriate penal provisions.

Now to the question of law's delay which has been dealt with by many friends. If we look round the country, at least those who are in the legal profession, we carry a feeling that justice today is justice for the rich and not for the poor. Recently we read a statement by the Lord Chief Justice of UK that it takes only two months for a criminal case to be disposed of in UK from the committal stage to the appellate stage. But in this country it takes twelve years or more. Today civil litigation takes 14-15 years. How can we expect an ordinary human being to believe that he can have protection of his life, liberty or property if litigation takes so long? Obviously, the time has come for the Law Ministry to give serious thought to this.

One cannot do away with delay completely, but it is possible to minimise it. For that, the provisions of law should, to a great extent, be simplified. We find that in the Civil Procedure Code, Cr. P. C. and so on a lot of time is taken in revisions, appeals and so on and so forth giving good scope for greedy lawyers to make money at the expense of poor litigants. As a lawyer, I would be happy in such a situation, but as a parliamentarian, I feel that the entire legal system should be simplified and if possible, unnecessary revisions, appeals and other things should be cut out.

This brings us to the other question, the question of the conditions of service of the judicial officers. I think this is another aspect to which the Law Ministry should give very serious attention. I am in complete agreement with previous speakers who deprecated the practice of appointing retired judges to different commissions. I feel it reflects upon the independence of the judiciary. This has been criticised all round the country and therefore Government should do away with the practice of taking retired judges to different commissions. After all, if we feel that a person at a certain age is not fit to be a High Court judge, how can he be fit to head a commission? There are young people all round the country able to shoulder this responsibility.

The emoluments and other conditions of service of High Court judges should be improved. The hon. Minister knows about this very well. Today, for example, in the smaller High Courts, not the important high Courts, nobody is coming forward to be a judge. This is the tragedy of the situation and unless you have a person of the highest calibre in the seat of justice, how can we expect that the administration of justice will be carried out in the best possible manner? I feel, therefore, that there should be an improvement in the conditions of the terms of appointment of the high court judges, and this practice of appoint-

ment of retired high court judges or the Supreme Court Judges to different commissions and all that should be done away with.

These are some of the suggestions which I wanted to place before the House for consideration and I hope the Law Minister will really think about them and take appropriate decisions.

श्री आर० बी० बड़े (खरगोन) : माननीय उपाध्यक्ष महोदय, विधि और न्याय मंत्रालय की मांगों पर मैं आज बोल रहा हूँ और उसका कारण यह है कि मैं इसका कुछ विरोध करना चाहता हूँ। पहले के समय में जो न्यायदान की बात कही जाती थी वह तो अब समाप्त हो गई है क्योंकि हर स्टेट में कोर्ट फीस बढ़ती जा रही है। मंत्री जी कह सकते हैं कि यह तो स्टेट सब्जेक्ट है लेकिन क्या मंत्री जी का यह काम नहीं है कि वे स्टेट्स को गाइड-लाइन्स दें। मेरी स्टेट में जहाँ पहले 4 रुपए कोर्ट-फीस लगती थी वहाँ अब 10 रुपये लगती है। इस प्रकार से न्याय बहुत महंगा होता जा रहा है और किसी गरीब के लिए न्याय प्राप्त करना बड़ा मुश्किल हो गया है। स्टम्प और रजिस्ट्रेशन से जो रेवेन्यू होता है उसके मैंने कुछ आंकड़े निकाले हैं। 1971-72 में 121.8 करोड़ की रेवेन्यू थी, 1972-73 में 133.8 करोड़ हो गई और 1973-74 में 143.3 करोड़ हो गई। इस प्रकार से कोर्ट फीस बढ़ती जा रही है। मेरा कहना है कि विधि मंत्री का काम है कि वे स्टेट्स को डायरेक्शन दें।

इसी प्रकार से कहा गया है—जस्टिस डिलेड जस्टिस डेनाइड। आज जो केसेज पेंडिंग हैं उनके कुछ आंकड़े मैं देना चाहता हूँ। इलाहाबाद में 78,617 केसेज पेंडिंग हैं, बम्बई में 41,442

केसेज पेंडिंग हैं, मध्य प्रदेश में 20,653 केसेज पेंडिंग हैं, पटना में 23,704 केसेज पेंडिंग हैं, पंजाब और हरयाणा में 25,150 केसेज पेंडिंग हैं और राजस्थान में 13,356 केसेज पेंडिंग हैं। पिछले 4.5 या 6 साल से वह पेंडिंग हैं। इस सम्बन्ध में एक कमेटी बनाई गई। इन्होंने कहा है “उच्च न्यायालयों में बकाया मुकदमों की समस्या का अध्ययन करने और इस सम्बन्ध में उपायों का सुझाव देने के लिए बनाई गई न्यायाधीशों की समिति ने जनवरी, 1972 में अपनी रिपोर्ट सरकार को प्रस्तुत कर दी।”

लेकिन वह सिफारिशें क्या हैं, यह नहीं बताया है। मई '72 के बाद अब '74 आ गया लेकिन पता नहीं उस पर क्या हुआ, क्या नहीं हुआ है। मैं समझता हूँ जहाँ भी कोई डिफीकल्टि आती है सरकार कोई कमेटी बिठा देती है। कमेटी अपनी रिपोर्ट देती है, फिर उसका परीक्षण होता है—इस प्रकार से तीन चार साल का समय निकल जाता है। मेरा निवेदन है कि जो भी सिफारिशें आई हैं वह हमारे सामने भी आनी चाहिए।

हिन्दी अनुवाद के बारे में कहा गया है कि इसके लिए हम प्रयत्न कर रहे हैं। कांस्टीट्यूशन के हिन्दी अनुवाद की मैंने ने लाइब्रेरी में मांग की तो उनके पास हिन्दी का अनुवाद भी नहीं है। तो हमने कहा कि हिन्दी अनुवाद क्यों नहीं है? तो उन्होंने कहा कि छपा नहीं है। यह हालत हिन्दी अनुवाद की है। मैं जानना चाहता हूँ कि ऐसे कौन से ऐक्ट हैं जिन का हिन्दी अनुवाद नहीं किया गया है? विधि मंत्री महोदय के पास ही सेठ गोविन्द दाम जी बैठे हुए हैं, मैं उन को भी कहना चाहता हूँ

[श्री आर० बी० बड़े]

कि हिन्दी अनुवाद क्यों नहीं होता है, इस पर ध्यान दिया है क्या? मेरी मांग है कि हिन्दी अनुवाद जल्द होना चाहिये।

15.41 hrs.

[SHRI DINESH CHANDRA GOSWAMI in the Chair]

आप ने कहा कि हम निर्धनों को मदद करने के लिए कोशिश कर रहे हैं। मैं जाइट कमेटी का मेम्बर था, उस में ला मिनिस्टर ने कहा कि इस बारे में हम एक कामप्रीहेंसिव बिल ला रहे हैं। गुजरात में कोई श्री भगवती थे उन्होंने निर्धनों की मदद करने के लिये कानून बनाया है, उसी पैटर्न पर हम भी कानून ला रहे हैं। मैं जानना चाहता हूँ कि वह कब तक आयेगा? इस में कौन सी दिक्कत है। अगर पैसे की दिक्कत है तो इसकी जिम्मेदारी स्टेट गवर्नमेंट्स पर डालिये। जो आदिवासी हैं उन को तो मदद मिलती है, लेकिन जो गरीब हैं, हरिजन हैं उन को मदद नहीं मिलती क्योंकि इस का प्रोसीजर बहुत लम्बा है जिस की वजह से हरिजनों को कानूनी मदद मिलने में देरी हो रही है। यह नहीं होनी चाहिये।

इस के बाद आप ने कहा कि कम्पनी ला में विचार कर रहे हैं जिस से उद्योगपति अधिक पूँजी उद्योगों में लगा सकें। जो बातें हिन्दुस्तान लिबर के बारे में कही गयीं वह तो ठीक हैं, लेकिन कम्पनी ला कानून की वजह से कितनी कैपिटल आप अट्रेक्ट कर सके? कैपिटल मिलने के लिये आप ने कोशिश की है क्या? हिन्दुस्तान लिबर ने 20 पैसा डिस्ट्रिब्यूशन का बढ़ाया है उस की तरफ आप ध्यान दें। लेकिन जहाँ तक कैपिटल अट्रेक्ट करने का प्रश्न

है आप की रिपोर्ट से मातूम पड़ता है कि आप अधिक कैपिटल अट्रेक्ट कर सके हैं; इसलिये आप को कम्पनी ला ऐसा बनाना चाहिये जिस से अधिक कैपिटल इंडस्ट्रीज में लगे।

दिल्ली और बम्बई की बात तो अलग है, लेकिन हमारे यहाँ आदिवासी क्षेत्र ऐसे हैं जहाँ वह नहीं समझते हैं कि कानून क्या है। कोर्ट में जाते हैं तो उन की समझ में कानून नहीं आता बठे रहते हैं, मजिस्ट्रेट कुछ पूछता है और वह कुछ कहते हैं। तो उन को लीगल एड देने के लिये आप को विचार करना चाहिये। माननीय मंत्री जी आप स्वयं हाई कोर्ट के जज रह चुके हैं आप को मातूम है कि किस प्रकार लोगों की कानून समझ में नहीं आता है।

इलेक्शन कमीशन के बारे में, इलेक्शन ला के बारे में जाइट कमेटी श्री उम में कहा गया है कि एक आदमी का ला कमीशन नहीं होना चाहिए। कम से कम 5, 6 आदमियों का कमीशन होना चाहिए। ऐसा रिपोर्ट में लिखा हुआ है। लेकिन वह रिपोर्ट ऐसे ही पड़ी हुई है। उस के बाद लिखा है कि वोटर की आयु 21 साल के बजाय 18 मान की होनी चाहिये। यह रिपोर्ट भी यूनानिमस है, लेकिन उस पर भी कोई अमल नहीं हुआ है। उस में लिखा हुआ है कि 5, 6 करोड़ वोटर्स ज्यादा बढ़ते हैं। जब इंडियन मैजोरिटी ऐक्ट के मुताबिक 18 साल का लड़का मेजर माना जाता है, वह दस्तावेजों पर दस्तखत कर सकता है तो उन को वोट देने से क्यों रोका जाता है? इसलिये मेरी मांग है कि वोट देने की आयु 18 साल होनी चाहिये। वह रिपोर्ट भी कोल्ड स्टोरेज में पड़ी हुई है।

अभी यू० पी० में चुनाव हुआ हम में देखा कि कितनी रिंगिंग होती है । इस की तरफ भी ध्यान देना चाहिए । वोटिंग की जो स्थिति है उस को बदलना चाहिये, अन्यथा इसी तरह से हल्ला होता रहेगा । 31 परसेंट वोट ले कर पार्टी शासन कर रही है यह किस प्रकार का चुनाव है ? आप ने देखा कि रायवरेली में पहली और दूसरी काउन्ट में बी० के० डी० का कैंडीडेट जीतता है, लेकिन तीसरी और चौथी काउन्ट में कांग्रेस कैंडीडेट जीतता है । तो ऐसा क्यों होता है । मेरा मुझाव है कि पार्टी का वोटिंग होना चाहिये न कि व्यक्ति का । शासनतंत्र भी इस में गड़बड़ी करता है । तो हम को कांग्रेस नहीं बल्कि गवर्नमेंट मशीनरी से इन्वेस्टिगेशन लगाना होता है । रायपुर का एस० डी० ओ० कांग्रेस के पोस्टर्स अपनी जीप में ले जा रहा था । मैं ने उन को पूछा कि आप क्यों ले जा ? हैं तो उन्होंने कहा कि मुझे नहीं मालूम । किसी ने जीप में पीछे रख दिये होंगे । इस प्रकार का वोटिंग में गोलमाल होता है । इस बारे में आप को विचार करना चाहिए । कानून में ऐसा संशोधन करना चाहिये जिस से इस तरह की घांघली न हुआ करे । इन शब्दों के साथ मैं यही कहना चाहता हूँ कि गरीबों के वास्तंसा, हिन्दी अनुवाद और चुनाव की जो प्रक्रिया है उस को बदलने के लिये आप कोशिश करें ।

SHRI VIKRAM MAHAJAN: (Kan-
gra): Mr. Chairman, Sir I think. It is for the first time that in this Parlia-
ment, we are discussing the Demands for Grants in respect of the Ministry of Law. There should be some convention that once in two or three years every ministry should be discussed. I remember, during the last Lok Sabha, the demands for grants in respect of this Ministry were hardly

discussed. Therefore some convention should be established so that every Ministry's demands are discussed at least once, during the course of 5 years, if not twice.

Many hon. Members have made a point about legal aid being given to the weaker sections of the society. I must say that the Law Minister deserves credit. He is encouraging voluntary associations to give legal aid and I think he is trying to support some of them, I think he will pursue this and will become the first Law Minister to give official recognition to this particular aspect. Many speakers have spoken on this subject and I do not want to repeat whatever they have said. But, it is very essential that justice should be cheap to the weaker sections of the society.

I would like to make some suggestion in regard to company law and the general law. In regard to company law, I wish to point out that there are some cumbersome procedures which are being adopted these days. Some reform is needed in this direction. I wish the number of forms which have to be submitted to the Ministry by the companies for various purposes is reduced and they are kept to the bare minimum so that the paper work in the Ministry as well as in the companies, is reduced to the minimum.

But, apart from that, the time has come, so far as the companies are concerned when the law should be modified and some changes should be brought in, in the company law so that employees and the labour are associated with the management of the companies. Not only in the socialist countries, but also in Western countries, the law has been changed to such an extent that labourers have been taken as directors in the management. Especially, in Germany the percentage has gone up. The directors are elected from the employees of those companies and they sit on the Board of Directors or Board of Management. The time has come when we also should

[Shri Vikram Mahajan]

change the company law so as to give a share to labour in the management by being made directors. This will bring a new outlook and a sense of responsibility in the labour and act as a check on the management. It will also create a harmonious relationship between management and labour; As an experiment, you can choose an industry and you can provide that there will be one director from the labour or employees on the management. If it succeeds—I am sure it will—it can be extended to other companies. In any event, the experiment should start right now when we are wedded to the philosophy of socialism.

Coming to arrears of cases, there is a famous saying: "Justice delayed is justice denied". I know cases which have taken 20 years or more to be concluded. Many remedies have been suggested like increasing the number of judges etc. I personally feel that this has not been very successful. I feel an incentive system should be introduced for the judges. The number of units to be decided by each judge every month has been laid down. If he decides more units and if ultimately his decision is up hold by the final court, he should be given an incentive in the form of more promotion chances. That is for promotion the emphasis should on seniority cum merit. The other suggestion I want to give may sound novel, but it can be tried. Instead of having more judges why don't you ask the same number of judges to decide more cases and pay them extra for each unit? For example, if the monthly quota is 20 units, if he does 30 units pay him extra for those 10 units at the rate of Rs. 50 or 100 per case, provided his decisions are upheld by the final court. This will reduce the number of arrears. It will be in the interests of the judge to decide more cases in the shortest possible time. They say that judge is another form of God and so forth, but I think the time has come when we should take a more practical view of the problem rather than a

theoretical view. If this incentive scheme has worked in the industry, it can work in the judiciary also. I personally think—and this is my observation—that an increase in the number of judges has not helped in the reduction of cases in any court; I would not name any court but I have seen that in most of the courts where the number has gone up in the last 15 years by 30 to 40 per cent, the number of arrears also has gone up by the same proportion. Therefore, I submit that this principle of incentive should be adopted in this sector also as it is adopted in the industrial sector, and I am sure that it will help in this sector also.

Apart from that, the conditions of the judges should be improved. This point has been made by some hon. members. Because of the inflationary conditions in the country the rise in prices, the salaries are not enough to attract the more brilliant section of lawyers or students the persons for lower judiciary are selected directly from colleges. The top-grade students and top-grade lawyers are not attracted. There should be some sort of incentive or attraction; improvement in their conditions should be made so that the top-class, from the students as well as from the lawyers, is attracted for lower judiciary and higher judiciary because in many States, especially in many High Courts like Calcutta, Bombay and Madras, the top lawyers are not coming forward to become the judges of the High Court. The Law Minister, I think, will bear me out. Similarly, First Class students are not opting for lower judiciary; they opt for Foreign Service or some other service but not for judiciary. This shows that their conditions have to be improved if you want to attract top-class students or lawyers.

I may mention a little about the Monopolies Act also. This Act does need revision as my hon. friends have pointed out. Without going into the

details, I would put it this way that, as the country is facing shortages, all the Acts should be production-oriented; If a particular Statute imposes restrictions as present in increasing production, to that extent it needs modification. Of course, it may have the effect of monopoly houses, as they are commonly known getting the benefit, but there are other ways of mopping up the surplus in the farm of, for example, wealth tax or estate duty or higher income-tax. But any Statute which at this stage hinders production need-revision because the entire country is facing shortages in essential commodities. Therefore, from that point of view, I would submit that this Act or any other Act which does hinder production needs to be revised.

Another point that I wish to make is about Advocates the new class which is coming up and which is known as 'freshers'. The entire system here should be changed. What is happening now is that directly from colleges the young boys are coming into the courts and they start handling cases. It not only harms the interests of the clients but at times it harms them also. What I submit is that there should be some training period for them. That is that they should be attached to some lawyers and they should go through their probation period with a senior lawyer before they are allowed to handle the cases on their own....

SHRI M. C. DAGA (Pali): So that they can serve them literally freely.

SHRI VIKRAM MAHAJAN: Apart from that, if necessary, if they are poor, some sort of stipends or scholarships may be given to them.

16 hrs.

AN HON. MEMBER: Who will pay?

SHRI VIKRAM MAHAJAN: It does not pay if the probation period is done away with. The probation period should be there. It may be one year. Not only that, it also happens that when freshers directly start practising

in the High Courts and the Supreme Court as I have put it, it does a great deal of harm to the interests of the litigants. Therefore, as was the system before, that is, no fresher can go to the High Court before he has done three years' practise at the trial court or no lawyer can go to the Supreme Court before he has done seven years' practice at the high Court that system should be re-introduced because it was a healthy system and I think this aspect does need reconsideration and the Law Minister who was himself a Judge, I am sure, knows how much harm it has done to the cause of justice.

SHRI R. P. ULAGANAMBI (Vellore): It is injustice to the juniors..

SHRI VIKRAM MAHAJAN: Injustice to the junior can be mitigated in some form, say be scholarships or stipends. Between the injustice to the freshers and the injustice to the litigants. I think, I would prefer the injustice to the former because there should be no injustice to the litigants because it is their interest which is more important than the interests of the persons who are pleading their case.

Finally, I think you for having given me this opportunity and I should re-emphasise that the time has come when Labour-Directors should be on the Board of the Directors of companies.

SHRI R. P. ULAGANAMBI: While we are discussing the Demands for Grants of the Ministry of Law, Justice and Company Affairs, I would like to raise a very important constitutional issue before our hon. Law Minister.

The DMK Government in Tamil Nadu have taken revolutionary steps for social reconstruction, for social justice, for economic justice and also for political justice. The DMK Government is introducing many social reforms through legislation. Here, I would like to mention one thing. There is one type of marriages called Self-Respect Marriages. It was not valid before 1967. that

[Shri R. P. Ulaganambi]

is before the DMK came into power. In Self-Respect Marriages the priest is not invited and *Mandirams* have no place. So, such a marriage was recognised by the State Government after DMK came to power.

Another social reform measure the DMK Government has introduced is to encourage inter-caste marriages... (Interruptions) To do away with the caste system we are encouraging the inter-caste marriages by offering gold medals to the couples....

SHRI A. K. M. ISHAQUE (Basirhat): This is revolutionary but the other one is more destructive than revolutionary.

SHRI R. P. ULAGANAMBI: It is not destructive. There, we have done away with the age-old practice of inviting the priest and chanting *mantrams* which are not understood. To make the people understand what they are doing and why they are getting married, we have introduced self-respect marriages. It is not destroying the society. It is a constructive measure and a social reform and a measure towards taking the society to social justice.

Regarding the second one I mentioned, about gold medals offered to the couples who contract inter-caste marriages, it was initiated by our late lamented leader, Arignar Anna. Another revolutionary measure has been taken by the present hon. Chief Minister of Tamil Nadu Dr. Kalaignar Karunanidhi, who happens to be the only Chief Minister in the country, in implementing meaningful social reforms. We have trustees for maintaining the Temples. We are the only State in the whole of India to formulate and implement the rule that one of the Trustees must be a person, belonging to the Scheduled Caste or Scheduled Tribe. It has been adopted and we are now implementing it. There is another social reform measure in vogue in Tamil Nadu. The Government brought out an amendment to the Act called the Hindu Religious and Charitable

Endowments Act 1959. This legislation was enacted in 1959. The Government brought out many Amendments. This was done in 1961, 1965, 1967 and 1968 also. In 1970 the Government of Tamil Nadu brought an amendment to the Hindu Religions and Charitable Endowments Act of 1970 for abolition of the hereditary priesthood. The Act was passed unanimously in the Tamilnadu Assembly. Why does the Government of Tamil Nadu want to abolish the system of hereditary priesthood? The reason is this. The principal Act of 1959 was amended in certain respects by the amending Act of 1970 which came into force on January 8, 1971. The amendment was made to Sections 55, 56 and 116 of the principal Act. Some consequential provisions were made in view of those amendments. This was a step towards social reform. In the statement of Objects and Reasons of the amending Bill, it is stated that the basis for the amendment is the Elayaperumal Committee's Report on social reform. I quote:

"In the year 1969 the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes has suggested in its report that the hereditary priesthood in the Hindu society should be abolished, that the system can be replaced by an ecclesiastical organisation of men possessing the requisite educational qualification who may be trained in recognised institutions in priesthood and that the line should be open to all candidates irrespective of caste, creed or race."

This is the recommendation made by the Elayaperumal Committee set up by the Government of India, but the recommendation are not being implemented by the Central Government. But the Government of Tamil Nadu brought in amendment to the Hindu Religious and Charitable Endowments Act for implementing this recommendation.. This was challeng-

ed by 12 petitions which came before the Supreme Court. It was stated by the Supreme Court that though this was not contradictory to the rules yet it was in contravention of Articles 25 and 26 of the Constitution which say that Government should not interfere in matters of religion. This is regarding securing freedom of conscience, to professing, practising and propagation of religion, freedom of management of religious affairs, etc. The Supreme Court of India has categorically mention this in the recent judgment.

Sir, the members of this community cannot become *archakas* in a temple. The Government also cannot interfere in religious matters and introduce reforms like the abolition of castes or something of that sort.

In this respect I would quote what Dr. Ambedkar once said on the judgment of Supreme Court on the issue of a communal G.O. I quote:—

"I am bound by the decision but I am not bound to respect the same"

Here my submission is this. We have already brought out many amendments to the Constitution of India. For social justice, we brought out as many as thirty-two amendments to our Constitution. Such as doing away with the Privy Purses to our ex-rulers and so on and so forth. My request is this. You encourage a harijan to become an I.A.S. Officer. But he is not allowed or rather he is unqualified to become a simple priest. The Supreme Court comes and says that under Art. 25 and 26, the State shall not interfere in the religious matters. The amendment was to Sec. 55 of the Hindu Religious Charitable Trusts Act. Under this act, vacancies whether permanent or temporary, among the office-bearers or service of religious institutions shall be filled by the trustees. 'In cases where the office or service is not hereditary'—this is the original act—we need an amendment reading: 'In all cases omitting the rest of it. A person belonging to scheduled caste or schedule tribe, becomes an I.A.S. Officer, judge of a High Court or Sup-

reme Court he becomes a minister and he also becomes, a Chief Minister or Prime Minister and even President of India, but, he is forbidden in the name of the Constitution to become an *archaka* or a priest in a temple. Is this not a shameful-thing? So, I would like to ask our hon. Minister one thing. We had brought forward many amendments to do social justice to economically backward people. I would like the Government of India to come forward with an amendment to Art. 26 of the Constitution so that there should be no bar in the law that a scheduled caste or a scheduled tribe person shall not become an *archaka* or a priest. I shall quote what is stated in a magazine called 'The Modern Rationalists' published in Madras.

It has been stated therein that a member of the scheduled caste is listed in a schedule which gives him more rights and privileges than others. What is the social status given to him in this country? The reply given is: 'A harijan is a child of God.' Do you mean to say that he is a holy person? If that is so, why then he is not allowed to become a priest in a temple? The name 'harijan' was given by Mahatma Gandhi. He said that he was the son of God. But he is not allowed to worship or perform the puja before Him. I am not preaching anything in the name of God. Under the Constitution we are talking so much about the welfare of scheduled castes and scheduled tribes. We have given the name 'harijan' to this community. But we are not even allowing them to become priests. This is a very very shameful thing. It is high time that Government should think over and bring forward an amendment to article 26 of the Constitution so as to enable harijans also to become priests and there is no bar against any person becoming a priest.

In conclusion, I would like to quote what Dr. Ambedkar said on the 26th January, 1950. He said:

"We are going to enter into a life of contradictions. In politics we will have inequality"

[Shri R. P. Ulaganambi]

How long shall we continue to live this life of contradictions? I am putting this question to the hon. Minister.

श्री नूत चन्ध डगा (पाली) :
सभापति जी, मैं गोखले साहब मे 26-27 साल के बाद पूछना चाहता हूँ कि आज हम बजट पाम कर लेंगे सात करोड़ का लेकिन अदालतों में या कचहरियों में कहीं न्याय हो रहा है क्या ? मंहवाई जरूर है, चीजों के दाम बढ़ गये हैं तो न्याय भी मंहगा होना चाहिए। काले बाजार में हर एक चीज मिलती है तो न्याय भी काले बाजार में मिलता है। यह वकीलों की बातें हैं, उनको पैसा दो, हम में से कुछ जज बना दो, अंग्रेजी पढ़े-लिखे जज होने चाहिए, और जो वकील हैं वह उनके सामने अंग्रेजी की रुलिज कोट करें और आदमियों का बता दें कि हम तुम्हारे लिए पैरवी करते हैं। ऐसी भाषा में वह बोलते हैं जिसको वह मोझविकल तो समझ सकें नहीं। वे तो यही समझते हैं कि हमारा वकील बहुत अच्छा बोलता है लेकिन भगवान ही जानता है कि वे लोग कचहरी में क्या पैरवी करते हैं। इसलिए सवाल यह है कि 26 साल के बाद भी आप न्याय देना चाहते हैं या नहीं। मुझे दुख के साथ कहना पड़ता है कि यहां पर बड़े बड़े आदमी बोलते हैं लेकिन मैं नहीं समझता क्या हो सकता है न्याय। जो पुलिस केन्द्र की एन्टी होती है उसके लिए वहां पर कोई बड़ा समझदार आदमी होना चाहिए। छोटी कोर्ट या बड़ी कोर्ट में जाने के लिए हजारों रुपए चाहिए। आप सुप्रीम कोर्ट के वकील को करिए तो उसके लिए हजारों रुपए दीजिए या डिस्ट्रिक्ट कोर्ट में वकील कीजिए तो उसके लिए भी सैकड़ों रुपए दीजिए। आज आपने रिपोर्ट से मालुम हुआ कि आपका जो रिपोर्ट लिखते हैं उसके

लिए इतने आफिसर्स होने हुए भी दूसरों को आप पैसा देते हैं। आपको आफिसर्स की एक टीम बनी हुई है लेकिन उसके बाद भी लाखों रुपया आप दूसरे वकीलों को देते हैं। आखिर आपके आफिसर्स करते क्या हैं ? इस सम्बन्ध में जब आपने एक सवाल पूछा गया तो आपने उसका उत्तर दिया। वह क्वेश्चन था :

"The names of the lawyers engaged by the Central Government to defend Government in the Supreme Court and various High Courts in cases challenging the Banking Companies and Constitution Amendment Act seeking abolition of privy purses etc.".

आप सोचें कि खुद आपके आफिसर्स मौजूद हैं, एडवोकेट्स मौजूद हैं, आपके आफिसर्स की पूरी टीम है वहां पर फिर आप क्यों पैसा दें रहे हैं। आप श्री नीरेन डे को 79 हजार दे रहे हैं। एक दूसरे केस में 2 लाख 11 हजार दे रहे हैं। समझ में नहीं आता आपके सालिसिटर्स हैं, गवर्नमेंट एडवोकेट्स हैं, हाई कोर्ट्स में वकील हैं आखिर वे किस काम के लिए हैं। फिर भी इन्होंने श्री नीरेन डे को 2 लाख 11 हजार दिया, एल0 एन0 सिन्हा को जो सीलिसिटर जनरल हैं 2 लाख रुपया दिया, श्री डी0 पी0 सिंह एडवोकेट का हिसाब नहीं आया है। इसी तरह से श्री जी0 एल0 सांणी हैं जिनको आप लाखों रुपया दे रहे हैं। मैं जानना चाहता हूँ आपके जो गवर्नमेंट एडवोकेट्स हैं वे करते क्या हैं ? क्या वे कुछ समझते हैं ? नहीं हैं ? आप अपने दिमाग की एक्जामिनेशन कीजिये। यह सफेदपंथ जो वकील हैं क्या इन से देश ठीक होगा ? आप लाखों रुपया इनको देते हैं। या तो यह कहिए कि हमें राज्य इस्तानिये करना है कि ईसकीयर स्टेट न हो, और

एक ऐसी स्टेट होनी चाहिए जिस में लोग दुनिया का शोषण कर सकते हैं, उन को इजाजत है। वकील जो चाहे वह मेहनताना ले, किसी को कोई मना नहीं है।

अदालतों में जजें, मंसिफ और मैजिस्ट्रेट हैं, राजस्थान में हाई कोर्ट में एक नई बात देखी उन्होंने कहा हम हर एक व्यापार के लिये कमीशन मुकर्रर करते हैं। न्याय मंत्री जी कहेंगे कि यह स्टेट सभेक्ट है, लेकिन यह सही है कि हाई कोर्ट ने यह राय दे दी प्लेक्टिक या डिफेन्डेंट के गवाहों को कमीशन से एग्जामिन करवा लीजिये। 100, 100 रु देना होगा एक एक वकील को। कोर्टों के अन्दर कमीशन बैठते हैं प्लेक्टिक के सारे गवाहों को एग्जामिन करता और चार, पांच दिन तक करता है ताकि उस को 400, 500 रु मिल जायें। जजें क्या करेंगे। तो हाई कोर्ट के जजें कहने लगे कि इस तरीके से जल्दी डिस्पोजल हो जायगा। क्या बात है? आखिर जजें चाहते क्या हैं? जो हमारा परपज है जस्टिस का कि हम कुछ न्याय दें वह पूरा होगा इस तरह? मैं आप को एक उद्धरण पढ़ कर सुनाना चाहता हूँ।

"Delay in Justice: Speedy dispensation of justice is not directly concerned with the concept of natural justice. But since it is the quality of all justice to give expeditious relief to the party aggrieved, it may be associated with the rule for hearing. Procrastination of hearing may sometimes result in injustice, because in an unduly prolonged process, much of the material evidence may perish, as when witnesses die or situations are altered."

"It was one of the declarations in the famous Magna Carta that right and justice shall not be sold, denied or delayed. To Gladstone, justice

delayed was identical with justice denied. The Hindu view blatantly advocated for promptness in justice, so much so that a delay in hearing a complaint might bring evil consequences to the giver of justice himself. In the Epic period, King Nriga had to incur a curse from two Brahmins who came to seek justice but were only detained for some time at the gate of the royal palace. King Nimi, an ancestor of the famous Janak, had to incur a curse from sage Vashishta who, in his own urgency, had run to the King when the latter was sleeping. The personages above named might even be myths, but that is no point for any controversy. It is the moral that matters most.

"In the modern complexities of administration, a party is generally reduced to material bankruptcy and mental brokenness by the time his case is over".

मैंने यह तो नहीं कहा कि किस प्रकार से डिले होती है केसेज के अन्दर। जो बड़े बड़े लोग हैं वह तो अपने घर से काम ले लेते हैं। लेकिन गरीब बेचारा फंसता है, और वैसे वाला छुट जाता है। आप बताये कितने बिनों में न्याय होना चाहिये, किस तरह ये हो सकता? आप सब को शपथ दिलाते हैं; आखिर में आप चाहते हैं कि हम लोग ईमानदार न हों, और कसम भी खाते हैं कि जो कुछ कहूँगा सच कहूँगा। मैं कहता हूँ कि जजें को भी शपथ दिलाइये कि मैं भी धर्म से कहता हूँ, वकीलों को भी शपथ दिलाइये। जजें, मंसिफ ईमानदारी की शपथ लें। गवाहों से तो आप शपथ लेते हैं। वह कहते हैं कि वकील साहब जो आप कहोने हम वही कह देंगे। तो इस प्रकार का जो जस्टिस हो रहा है क्या इसमें न्याय हो सकता है। हिन्दी के दोसलेशन की बात तो भलग रही, लोअर कोर्ट्स से हाई कोर्ट तक की बातें जानता हूँ। आज कल क्या हम न्याय पा सकते हैं? हम इन्साफ मांगते हैं राज्य में। अगर

[श्री: मूल चन्द डागा]

राज्य हमारी सीमाओं की सुरक्षा करे और हमें न्याय दे तो उस से आइडियल और कोई राज्य नहीं हो सकता। लेकिन आज जो मिस्टम है उस में जब न्याय नहीं मिलता तो क्या किया जाय ? हर गरीब आदमी का विश्वास हट गया है कि कोई में उसको न्याय मिलेगा। वह कहता है कि जिसके पास पैसा है उस की जान होगी, नडे वकाल करने होंगे इस लिये न्याय नहीं मिलता है। और दूसरा कारण यह है कि हम ने अपनी पोलिसी में कोई रद्दोबाल नहीं किया।

आप देखें कैसे कैसे लोग पना रहे हैं। इंडिया ला इन्स्टीट्यूट जर्नल के अनुसार ऐसा कानून बनना चाहिये, वह कहते हैं कि कुछ गुंडे पना रहे हैं, उस के लिये क्या कानून है, उन्होंने बताया कि अर्बन गुंडे क्या होते हैं, कौन से होते हैं। इन के लिये कोई रोक टोक नहीं है। कई कहते हैं कि पोलोटोगियन्स गुंडे होते हैं :

"...this category is very difficult for the police to deal with because it has political patronage...."

red-light areas goondas, court-area goondas....

कोर्ट ऐरिया गुंडों की भी बात उन्होंने कही है :

"In certain cities and towns, there are ruffians and hirelings who try to win over the prosecution witness by threat of force or violence...."

यह कोर्ट के गुंडे होते हैं, गुंडाज आफ पब्लिक प्रेस। इन को कौन डोल करेगा। यह इंडियन ला इन्स्टीट्यूट ने कहा है। इस प्रकार के जो गुंडे हो गये हैं कोर्ट में गवाही चाहो तो मिल जायेंगे, लोगों को डराते धमकाते हैं कोई कानून है जिस के जरिये आज इन बदमाशों को दया सके।

एक बात चारटर्ड अकाउन्टेन्ट्स के बारे में कही है, इनके ट्रेनीज की क्या हालत बिगड़ी

है। मैं ने कई वक्ता "इंडियन ऐक्सप्रेस" से पूछा है कि ट्रेनीज को पैसा नहीं देते हैं :

"Three complaints regarding alleged malpractices by the Practising Chartered Accountants relating to the non-payment or inadequate payment of stipend to the students; prevention from getting suitable jobs; harassment from the assistance of the auditors; general conditions of working etc. were received during the year 1973."

तो यह जो शोषण कर रहे हैं चारटर्ड अकाउन्टेन्ट्स और जो उनके पास ट्रेनीज जाते हैं उन के लिए क्या आप ने सोचा ?

एक सवाल आप से किया था ;

"Whether the Government's attention has been invited to the fact that with the increasing cost and the decline in the value of the rupee, it is no longer possible for any candidate to fight any Parliamentary or Assembly elections within the prescribed limits of election expenses,"

जो खर्च की सीमा निर्धारित की गई है उस के अन्दर चुनाव नहीं लड़ा जा सकता है आज के जमाने में। इस वास्ते पहला गलत काम यह होता है पार्लियमेंट में आने के बाद कि गलत शोध ली जाती है और कहा जाता है कि धर्म से मैं कहता हूँ कि इतने रुपये खर्च किए हैं। जान बूझ कर ऐसी गलत बात कही जाती है। पार्लियामेंट के लिए खर्च की राशि अपने 35,000 रखी है और असेम्बली के लिए 15,000। जीत जाने के बाद जो रिटर्न फाइल की जाती है उस में लिखा जाता है कि इस सीमा से कम खर्च किया गया है। आप देखें कि रुपये की क्या कीमत हो गई है, महंगाई कितनी बढ़ गई है इसके बारे में आप कुछ तो करें। ला कोबदले या कोई ऐसा तरीका निकालें कि पोलिटिकल पार्टियाँ उनको रुपया दें चुनाव लड़ने के लिए, उनको आप कुछ सुविधा दें। इसका क्या हल हो सकता है, क्या साक्ष्य पारिबल हो सकता है इसको आप देखें।

हुछ वक्ता एक बात कहेंगे जिसका जवाब देने का मुझे मौका नहीं मिलेगा, इसलिए मैं पहले ही कह देना चाहता हूँ उस बात को। राजस्थान में हाई कोर्ट बन गई है। लोग खड़े हो कर कहेंगे कि हाई कोर्ट का एक बेंच जयपुर में हो। इस सब के लिए लड़ाई हुई थी, कमिशन भी बैठा था बाबू साहब ने निर्णय दिया था कि रेवेन्यू बोर्ड जयपुर में रहेगा हाई कोर्ट जोधपुर में रहेगा, कैपिटल जयपुर में रहेगा। सब निर्णय हो चुका है। लेकिन उसकी कोई परवाह नहीं। एक जगह हाई कोर्ट हो तो खर्चा कम हो। अब बेंच के बारे में प्वाइंट जो उठायेगे वे किस लिए? इस लिए नाकि चन्द लोकल आदमी जो उन्हें हैं को खुश करने के लिए। जनता परेशान नहीं है। लेकिन कुछ लोगों को खुश करने के लिए यह बात होगी।

अब मैं कहना चाहता हूँ कि हिन्दी में ट्रान्सलेशन जो होता है उस में आप त्रुटि लाए। आपने बम्बई, कलकत्ता, मद्रास आदि में ब्रांचिज खोल रखे हैं। कितना वहां काम होता होगा? वहां बकील ब्रलण पाइंट होते हैं। इस में बहुत ज्यादा खर्च होता है। इसको भी आपको कम करना चाहिये।

SHRI SHYAMNANDAN MISHRA (Begusarai): Mr. Chairman, there are certain factors which seem to be adversely affecting the dignity, objectivity and impartiality of the highest judiciary of the land. One such factor had been pointed out by some hon. Members who have preceded me, namely, the appointment of judges to certain lucrative posts and assignments after their retirement. I wholeheartedly agree with the view that a convention should be built up by which the High Court and the Supreme Court judges should not look forward to any patronage at the hands of the Government after their retirement. I really do not know what comes in the way of the Government building up such a convention.

The second factor, to my mind, which seems to be militating against the dignity and objectivity of the judges is the interpretation of article 124 of the Constitution in the matter of

appointment of judges and the Chief Justice of the Supreme Court. Without going into the merits of the interpretation that had been brought to bear upon article 124 of the Constitution by the Law Ministry, I should only like to point out that the hon. Prime Minister has a different interpretation to give this article. She has told Parliament, and I had mentioned it earlier, that in the matter of the appointment of the Chief Justice proper and appropriate consultations are being held. But, now, the Ministry of Law seems to be taking a different position. The country would like to know which interpretation is the correction and whether the practice prevails, as the Prime Minister had been pleased to tell the Parliament some time back, that proper and appropriate consultations are held in the matter of appointment of Chief Justice of the Supreme Court.

Then, the third factor, to my mind, is the scant regard the Government seems to be paying to the observations of the High Courts in certain matters. A glaring instance, a case in point is the disregard which this Government showed to the remarks of the High Court of Orissa on the conduct of the Governor of Orissa, Mr. B. D. Jatti. One would like to know what is their interpretation, how did the Law Ministry interpret the observations of the hon. High Court of Orissa, so far as the conduct of the Governor of Orissa was concerned, in not calling upon the Leader of the Opposition, who to their mind, did command the majority in the Assembly there? If the Law Ministry did think that these remarks were not justified, then, did the Law Ministry take steps to get these remarks vacated by the higher Court. If the Law Ministry or the Government concerned have not taken any steps to get these adverse remarks of the High Court of Orissa vacated by a higher Court, then, it would stand to reason to think that these remarks are such as could not be vacated by any Court. If this happens, Mr.

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Chairman, that the Government of India does not pay any regard to the remarks of High Courts, you can very well understand how the dignity of the Courts of justice can be maintained. There are the three factors which I wanted to mention in this connection. But I do sometimes feel that when we make such points, the hon. Minister concerned ignores some of them. But these are not going to be ignored by the people, who seem to be in a state of upsurge now everywhere. It is because of such shabby behaviour and conduct of the Government that the people seem to be in a state of unrest everywhere. The feelings of the people cannot be ignored though. Some of the points that we make, may be ignored by the Government. So far as the people are concerned, they are no longer in a mood to reconcile them rules to these things.

Mr. Chairman, in this very context. I would like to suggest another thing. I would have pointed this out in the context of the Election Commission, but, I think, it would be apt to refer to it at this stage. When I say that no High Court or Supreme Court Judge should look forward to any patronage at the hands of the Government after retirement. I also want to refer to the office of the Election Commissioner in that context, and would like to stress that the Election Commissioner of India too should not be appointed to any post after his retirement. Frankly we did not like it, when the former Election Commissioner of India was appointed as a Member of the Law Commission. We want to go on record in this matter. It may be that the Law Minister would again try to trot out some plausible pleas that this was not going to affect the objectivity of this office. But if you make an incumbent of this high office look forward to some kind of advantage at your hands, then we should be executed if we do not have full faith in the integrity of such an Election Commissioner.

Mr. Chairman, I would also like to make yet another suggestion. Probably, this suggestion has been made earlier too, but, this has been ignored all the time. The Chief Justices of High Courts should be appointed from outside the States concerned. The stage of development at which we find ourselves, there are many evils which have crept in and many kinds of closed circles and vested interests have come to be created. I would not like to spell them out very clearly for obvious reasons. But there is no doubt that certain evils which have crept in and I would suggest that the Government should think about appointment of Chief Justice of High Courts, from outside the respected States.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): What is your view about judges?

SHRI SHYAMNANDAN MISHRA: Let us make a beginning somewhere. I have applied my mind to this and it seems to be a feasible proposition.

SHRI H. R. GOKHALE: I am responsive to this suggestion. But, I would also like to know your view, whether we should appoint outsiders as Judges.

SHRI SHYAMNANDAN MISHRA: You can do that, but I wanted to make a proposal of smaller dimension in order to appear to be more practicable. I have not gone into all the practical aspects of it—so far as the vast number of judges is concerned. But this appears to me to be quite a feasible proposition.

I have also a very serious grievance against this ministry that it is not of much help to Parliament in sorting out many of the complex legal and constitutional issues. Parliament does require some assistance in understanding and clarifying certain complex legal issues. May I quote here what Mr. Wilson, the present Prime Minister of U.K. had to say in the House of Commons only a few days back. That must hold good so far as gene-

ral assistance to Parliament is concerned. One can infer from this how much assistance the House of Commons would be getting in legal and constitutional matters from the Government of the day. I quote:

"He had appointed an adviser to the Government on constitutional questions, concentrating particularly on the Kilbrandon report. The services of the constitutional adviser would be available to the leaders of individual political parties in the House."

How very solicitous they are in the matter of according assistance to Members of Parliament in understanding the legal and constitutional issues, we can very well understand from this single observation of the Prime Minister of the U.K. But here the Law Ministry seems to be completely oblivious of its duty so far as Parliament is concerned. Every time when a request is made that the Attorney General should come and help us in understanding and clarifying many issues Government makes it a matter of prestige and does not permit the Attorney General to come and assist us in this House. In fact, Mr. Setalvad, had taken a clear stand and he has said in his autobiography that the status of the Attorney General is that of an independent constitutional advisor. He says:

"Departing from the British practice and the practice of other Constitutions based on the British model, our Constitution seems deliberately to have constituted the Attorney General, an independent law adviser who can when required advise the Government or Parliament in a detached manner."

But the Attorney General seems to have precious little to do with the Parliament of India. It seems that this House of the People will have served its full term without having the good luck of hearing the Attorney General of India on any subject.

I would therefore like to know whether the hon. Minister proposes to

take steps in regard to assisting Parliament in legal and constitutional matters.

I would like to point out a particular instance which occurred recently. We really do not know where we stand so far as the Constitution (Twenty-fourth) Amendment Act is concerned. It went through the process of judicial review and very complicated judgments had been delivered upon it. Was not incumbent on the Law Minister to come before the House and tell us, "This is how we stand with regard to the Constitution (Twenty-fourth) Amendment Act now." There has been a great deal of difference of opinion about the final picture that has emerged after the judicial review, and it is necessary to know whether any follow-up action was required in the light of judicial review. That is a very clear instance which would make it clear to the hon. members of this House that the Law Ministry is not doing its duty to parliament. In fact Parliament ought to know what has happened to the laws it has passed, and this is a very important law about which there had been so much controversy and active discussion throughout the country.

Mr. Chairman, one thing which is uppermost in the minds of not only the hon. members of this House but also of our countrymen is the development that took place in Gujarat very recently. The people of Gujarat have dismissed the State Government there; they have dismissed the State Legislature there. In fact they fought a battle not only against the Chimanbhai Minister, but later also against the Central Government itself and they did win in the final run. The point that I want to raise here is whether Government has given any serious thought to the implications of this development. And this has happened for the second time; earlier it had happened in Kerala where also the people had dismissed the Government a few years back,

[Shri Shyamnandan Mishra]

Should not there be a Constitutional method for giving expression to the will of the people, so that it does not take the form of an upsurge to recall a legislature which, the people think has lost its confidence? If you do problems like this, you are not probably taking care of democracy as you ought to.

Only two days back we read in the newspapers that the General Secretary of the ruling party, who also happens to be a member of this House, Mr. Chandrajeet Yadav expressed an opinion about the Company Donations Act. As you know, now donations by companies have been banned; but he has expressed an opinion that steps should be taken to restore status quo ante, that is, the donations by companies should be permissible. We would like to know what is the opinion of the Government in this matter and whether the General Secretary of the ruling party is reflecting the opinion of the Government or of the Party which has formed this Government.

I would like to come to two Constitutional issues. One is this. This is my firm opinion that the Government should lay down certain conventions so far as suspension of a legislature is concerned. Now the Government is taking to this device much too frequently. To my mind, article 356 was not meant as a clinic clause of the Constitution, it was not meant for the rehabilitation of the party in power, so that after the party has recovered from certain sickness, it should be brought back again to power. But that is precisely what the present Government is doing. So, there must be certain conventions laid down for the suspension of a State Legislature and imposition of Presidents rule.

Then I would like to say a few words about the Election Commission—the way in which it conducts the elections. I have a feeling that the conduct of elections leaves much scope for im-

provement. One particular thing I would like to point out about which I have carried a certain amount of correspondence with the Election Commission. My suggestion is that there should be only one ballot box for every polling booth and, if necessary only as a stand-by arrangement there could be a provision for another ballot box. You know for every polling booth there are only about 800—1000 voters. Now, should it not be possible to have only one ballot box which could contain all the one thousand ballot papers or on an average only 800 ballot papers? This problem has assumed a greater significance now; I carried correspondence with the Election Commission saying that the provision of multiple boxes this leaves scope for doubt, as we have found in certain cases that while the first ballot box contained only 200 ballot papers I am giving only an illustration—the second one contained 400 ballot papers. It stand to reason that the second ballot box should not be placed before the first is full. In reply the Election Commission has stated that they have not come across any such instance. Whether really the Election Commission has got anything to do with the counting and whether they can concern themselves with this problem, we don't know. But Sir, we do concern ourselves with this problem and we are present at the time of counting and this has happened in our experience. But the main reason that they have given is that it would cost a great deal of expenditure to the Exchequer if the present ballot boxes are scrapped. May I ask here whether this should be a sufficient reason for rejecting a suggestion of this kind? Many a time we have felt that these ballot boxes are stuffed with ballot papers before they were brought to the polling booth and if you want to dispel this impression you should make provision for only one ballot box. The reason given by the Election Commission is totally unacceptable—it would cost a great deal of money to the public exchequer.

Finally I would like to refer to the functioning of the Monopolies Commission. It seems to me that the Commission is confining itself more and more to the field of restrictive trade practices and less and less to the curbing of the concentration of economic power to the public detriment. This development seems to me an unfortunate one. The Monopolies Commission has to concern itself as much with the curbing of the concentration of economic power to the public detriment as to the field of restrictive practices. The price point which, however I would like to detriment as to the field of restriction: that the Company Law Department had initiated some time back a legislation to break up the industrial and business conglomerates and to delink particular productive enterprises from big business houses through an amendment of Section 27 of the Monopolies and Restrictive Trade Practices Act. The move had reached and advanced stage of the formulation of a Bill. We would like to know where does this move stand now, whether the Government do propose to amend Section 27 of the Act in order to break up these industrial and business conglomerates and to delink particular productive enterprises from the big business houses.

These are few points I have tried to make in the short time that was available to me.

Mr. CHAIRMAN: Before I call upon the next speaker, I want to inform the House that the Minister for Health and Family Planning will make a statement on the junior doctors' strike before the House adjourns for the day.

SHRI A. K. M. ISHAQUE (Basirhat): Mr. Chairman, Sir, I rise to support the Demands for Grants of this Ministry. I have some words of praise for this Ministry. This Ministry is responsible for conceiving and piloting in this august House some revolutionary laws which as a matter of fact brought about tremendous sense of joy throughout the country, like, the Privy Purses Bill, the Twenty-fourth and the Twenty-fifth Amendment of the Con-

stitution Bills etc. The country was really electrified by such enactments. I am thankful to the Law Ministry for piloting this type of revolutionary measures in this House. I would like to thank them for a future Bill which I am just now proposing.

Sir, our Constitution provides for certain rights. These rights enable us to lead a civilised life in this country. To name some of them, we have got right to equality before the law. We have the right to freedom of speech and expression. We have got the right to assemble peaceably. We have got the right to form associations and labour unions. We have got the right to move freely throughout the territory of India. We have got the right to acquire, hold and dispose of property. We have got the right to practice any profession or carry on any occupation trade or business. These rights enable us to lead a civilised life in this country. But, the right which is missing very much is the right to work. Our Constitution has not guaranteed to its citizens the right to work. In this country we have got enough persons who are able to work, those who are ready to do any type of work in this country. They do not have any opportunity to work. Therefore, Sir, I will express my thankfulness to this Ministry if they conceive and pilot this type of amendment to our Constitution in this august House.

Sir, I am in the public life for quite a long time, I was elected to the West Bengal Legislative Assembly for three terms. Now I am Member of this House. While I was a Member of that Assembly, in the beginning, if ten people came to see me a day, nine of them discussed social problems. They came for development of society, for social works. Some of them wanted to set up schools, hospitals and so on. Some of them wanted to construct bridges and roads. Those were the types of demands that they used to make then. Some of them used to say, some tube-wells should be sunk in their locality. These were the types of demands we were facing then. Now Sir, if we go back to our constituency, out of ten people who come to see us,

[Shri A. K. M. Ishaque]

also are for employment. This is the type of change which we have undergone throughout this period. This is the sort of acute unemployment problem that we are facing in this country now. Therefore, in my humble opinion, a time has come for us to conceive of such a Bill. And we should pilot this Bill through this august House so that able-bodied persons who are now suffering from frustration may get some hope that he has a right in this country, and that is the right to work.

16.57 hrs.

[SHRI NAWAL KISHORE SINHA in the Chair]

I know there is financial involvement in all these schemes. I know that.

But ways and means have got to be found out in order to carry out those measures. Only the other day Government implemented the Pay Commission's recommendations. The Government had to undertake a financial burden of Rs. 345 crores a year implement the recommendation.

We are happy that Government has undertaken upon itself the financial burden. If Government enacts such a Bill and amends the Constitution in that regard, I am sure, the financial commitment is not going to be of that magnitude. Unless and until a person is provided with a job, he must be given a subsistence allowance. I do not think that Government will have to pay to the extent of Rs. 345 crores as have been given to the serving employees of the Government. If money could be found for those who are already on the jobs I cannot understand the logic of providing for some subsistence allowance for those having no jobs at all. I submit that the society has also an obligation to provide jobs to the jobless when it could undertake to increase the salary of the persons who are already in service. The society has an equal obligation or an intensive obligation to those persons who are not in the payroll of the country. Therefore I

would be very much thankful to the Ministry if they would bring forward an amendment to the Constitution providing for the provision of the right to work as a fundamental right so that everybody born in India is assured of his life or at least he is assured of subsistence in this country.

Sir, our Law Minister was in the profession of law. He was also holding the post of a judge. He has got the experience both as a judge and as a lawyer. I hope you will agree with me that there are some laws which have cost a tremendous burden to the society. There is a provision in the Indian Registration Act in section 47. Section 47 of the Act permits various types of corruptions being perpetrated in the country. I shall only read the relevant provisions of the law. Section 47 reads as follows:—

"A registered document shall operate from the time from which it would have commenced to operate if registration has been made."

17.00 hrs.

The effect of this section is that one document might have been executed and registered in respect of certain properties. Another document concerning the same property might have been executed and registered in the Registrar's Office. Both the parties will go the court to determine their rights. This later type of documents are popularly known as back dated documents. A vicious circle operates to patronise this type of nasty deals in the registration offices. The deed writers clerks in the registration office the vendors and the clients, themselves form a vicious circle. I can quote as an instance one case. Suppose there are two brothers. One of them sells out a certain property to another person. The person who was interested in that property comes to him—he comes to the very person—who has sold out that property and tells him to sell that property to him again. How can you do this according to law? In a competition to between registered documents, the document which was executed earlier will in accordance

with present law prevail. According to registration law, a document executed to-day can be registered on any day within four months. There is a further grace period of four months during which it can be registered by paying some extra money by way of specified registration fee. A deed of title, therefore can be got registered within eight months from the date of execution. The result is that a deed of title or a conveyance deed can be executed and registered on, say, the 24th January, and on 26th January, another similar document can be registered, but it would be seen in that document that that document was executed prior to 24th. How is this possible? This is possible because they go to the stamp vendor and purchase the stamps back-dating them, though they had actually purchased it on the 26th, it would be shown in the stamps that they were purchased on 20th or 18th or 12th. The stamp vendor is also therefore in the vicious circle. This plan is generally master-minded by the deed-writer.

MR. CHAIRMAN: How can that be stopped by law?

SHRI A. K. M. ISHAQUE: It can be stopped only if this section is amended so that this vicious circle can be done away with, and this nuisance on the society can be done away with. The Law Minister is very much in the know of matters. I am sure he has come across thousands of cases like this, just as all of us have also come across. Therefore, I am pleading with him to apply his mind to this and amend this section, so that thereby he can do a tremendous service to the society. As a matter of fact, this provision is creating quarrels between friends and creating enmities between brothers, apart from its other social ills. Therefore, I would plead again that he should amend section 47 and do away with these back dated documents.

As regards legal aid to the poor, almost everybody has pleaded for it. So far as the thinking of the Government is concerned, Government have

accepted the idea of rendering legal aid to the poor and that was why a committee had been constituted as early as in 1972 under the chairmanship of Shri V. R. Krishna Iyer and that committee has already submitted its report in May, 1973. The report has not been released till now, but then some of the recommendations are known, and it can be safely presumed that if these recommendations are accepted and codified as a statute, it may go a long way in rendering assistance to the poor.

Every hon. Member who has spoken has said that the poor people, even though they are assured of equality under the Constitution are actually denied of justice for reasons of poverty. They go to court for seeking justice, but because of their poverty they may not and do not get justice all the time. The difference that prevails in the legal profession in regard to lawyers' fees is perhaps the highest in India as compared to any other country. Here, you will get a lawyer who will charge Rs. 1700 per single case or even more, and you will also get a lawyer who will charge Rs. 4 only. This is the type of difference that we have got in this country. The rich person is in a very advantageous position as compared to a poor person and he can get the legal advice of the most competent person whereas the poor people cannot do so. There are poor people who do not get any legal assistance at all. The procedural laws like the Cr. P.C. and the C.P.C. were enacted by the Britishers only to help the feudal system in India and the feudal people took full advantage of these laws. I know of thousands of cases where the landlords had instituted false suits against tenants and ejected them, and the tenants could not afford to contest those suits as the expenses of the litigation was prohibitive. The procedure was so long-drawn that it was not possible for a poor litigant to resist the money power of the landlord. To my mind, these procedural laws were enacted by our previous masters, the Britishers, only to help the feudal system in the country. These served their purpose very nicely. The situa-

[Shri A. K. M. Ishaque]

tion has changed. We are now free. I do not understand why these laws which served only the feudals in the country and which prevented the poor section from getting justice in courts of law should be permitted to remain in the Statute Book. I suggest immediate steps be taken to amend these laws and to make the procedures simple.

Our Law Minister is very much aware that in civil suits the real trouble begins when one wins the case. One may get a decree after protracted delay of three or four years. Then the question of putting it into execution comes in. It entails a delay of 10, 12, 15 and in some cases 40 years. This is simply inconceivable. One cannot simply mentally adjust to it. There must be a limit to everything. Therefore, I suggest that these types of law which served the imperial purposes must not be allowed to remain on the statute book after independence.

The Law Commission has submitted its 57th report regarding banami transactions. The Law Minister will agree with me that this is another source of corruption in society. He will also agree that the banami plea is almost a common plea in all the civil suits. In all civil suits, two common pleas are taken. The suit is barred by limitation. Whether it is so or not, everyone is certain to take this plea. Another plea everyone is sure to take is that the suit is barred by the principle of *res-judicata*. There two defences are universally taken. Another defence very often taken, not universally taken is that the 'transaction is banami'; I am the ostensible owner. Through this defence, they try to save their property from being attached or sold in execution of decrees or their losing it in a suit straightway.

Not only in civil suits, these banami transactions have helped the tax evaders very much. Once these banami transactions are done away with—and this is the recommendation of the Law Commission—tax evasion, which is the order of the day, can be avoided to

some extent. Therefore, I will plead with the Ministry that the Ministry put those recommendations into action at once and codify and pilot a Bill doing away with these transactions as soon as possible.

Sir, I will make a submission for a minute regarding the Food Adulteration Act. As the law stands today, this Act gives an incentive to adulterate food. The penal measures that have been prescribed in the Food Adulteration Act is so ludicrous that it simply encourages the people to indulge in adulteration. Therefore, I would suggest two things. You may make the law more stringent, but if you only make the law stringent, I do not think the purpose is going to be served. The very onus of proof has to be shifted. As the law stands in the country today, it is upon the prosecution to prove the guilt of the accused. The onus of proof is upon the prosecution to prove the guilt of the accused. My submission is that in cases of this nature, the onus of proof should be shifted from the prosecution to the accused persons in all cases of adulteration. If a person is charged with adulterating foodstuff, he should be called upon to prove his innocence and the prosecution must not be called upon to prove his guilt. It would make a lot of difference in these adulteration matters if the law is changed that way.

The law prescribes a maximum punishment. If you prescribed the maximum punishment, it is left to the option of the judge to impose a punishment within that maximum. If you prescribe 10 years imprisonment and make that as the maximum punishment the judge or the magistrate can inflict, what usually happens, three months imprisonment. Or one is sentenced to a rigorous imprisonment for a period of three years or just three days. Therefore, in cases of such a severe nature, those who do not mind playing with the lives of the common people, in my view, are committing a more heinous crime than even murderers. It should not be treated so lightly—I do not find a

stronger expression—but those people should be inflicted with a deterrent punishment. Therefore, a minimum sentence should be prescribed. If one is found guilty of adulterating food-stuffs, he should be penalised with an imprisonment for a minimum term which may be two or three years or 10 years; but a minimum term should be prescribed.

Therefore, I plead with the Minister that if they want to seriously tackle the food adulteration problem, the onus of proof should be changed from the prosecution to the accused, and a minimum punishment should be prescribed, so that the accused cannot run away from being imprisoned.

Thirdly, it is only the petty shopkeepers who are prosecuted and become the victims in almost all cases of adulteration. If they do not do the business they go out of employment; if they do business they run the risk of being prosecuted by the police. Therefore, when food is suspected to be adulterated, it shall be the duty of the prosecution to run to the source-point, so that the person who is the big boss, who master-minds all this adulteration process and who creates all these troubles, is hauled up. He should be the main accused and the poor shopkeeper should be prosecuted merely as an abettor and not as a main accused. Therefore, I make this plea with the hon. Minister to consider these points and to amend the Food Adulteration Act accordingly.

With these words, I support the Demands for Grants.

श्री श्री किशन मोदी (मीकर) : सभापति जी, मैं इस सभा का बहुत कम समय लूंगा। राजस्थान व जयपुर में हाईकोर्ट की एक बेंच स्थापित हो, यह मामला बहुत पुराना है और कई साल से चल रहा है। इस विषय में सदन के अंदर कई दफा चर्चा हो चुकी है। कन्वेंशन के द्वारा और सीधे मामलों में इसके ऊपर बातचीत हो चुकी है। अभी डागा जी ने उसके विचार तीन बातें कहीं। एक यह कहा

कि वा कमिशन ने जयपुर को कैपिटल दे दिया, अजमेर को रेवेन्यू कोर्ट दे दिया और जोधपुर को हाई कोर्ट दे दिया। विश्वविद्यालय दूसरी जगह दे दिया। दूसरी बात यह कहें कि न्याय सस्ता नहीं। तबसे कहा कि अदालतों में न्याय होना चाहिये। मैं उनसे जानना चाहता हूँ कि क्या वह न्याय करने की स्थिति में हैं? क्या उनके दिमाग में प्रान्त की भावना है? क्या वह यह समझ रहे हैं कि जोधपुर के अंदर धौलपुर का आदमी न्याय लेने जाएगा? हरियाणा के पक्ष से आया हुआ शंभू और मोकर का आदमी जोधपुर जाएगा तो क्या उसे न्याय महंगा नहीं मिलेगा? अपनी छाती पर हाथ रख कर ईमानदारी में बताएं कि उनके लिए न्याय कितना महंगा पड़ रहा है। वहां कितना उनका समय बर्बाद होता है? यह बटवारे की चीज नहीं है। यह जनता को सस्ता न्याय दिलाने की बात है नया उसके फायदे की बात है। उन्होंने क्या कभी सोचा कि पूर्वी राजस्थान के कितने केसिम हैं जिन के लिए जोधपुर जाना पड़ता है और जोधपुर के कितने मुकदमे हैं? अगर हिसाब लगाएं तो 70 प्रतिशत मुकदमे पूर्वी-राजस्थान के होते हैं और 30 परसेंट वहां के होते हैं। पूर्वी राजस्थान के लोगों के मन में बड़ी टीस है कि उनके साथ न्याय नहीं हो रहा है। वे हमेशा अपने आन्दोलनों के जरिये इस पर रोष प्रकट करते आ रहे हैं, समय समय पर जेल भी गए हैं, हड़तालें भी की हैं, मीटिंगें की हैं और न्याय की मांग की है। चुनाव के समय में विरोधियों ने इसको एक झूठ बनाया और हाई कोर्ट के बेंच के मामले को उन्होंने उठाया। हमें समझाया गया कि इस समय इस बात को उठाना अच्छा नहीं होगा। हमने मेहनत की और जनता को समझाया कि यह हाई कोर्ट बेंच के झण्डे को उठाने के लिए उपयुक्त समय नहीं है। लेकिन उनकी भावनाओं को आप कब तक दबाते रहेंगे? कब तक उनके रोष को आप दब एंसे? उनका यह बीरज का बांध कभी टूट न जाए। आपको तो पता है कि मेला पूर्वी

[श्री श्रीकिशन मोदी]

राजस्थान के वकील हर पंद्रह तारीख को कोर्ट का बहिष्कार करने के रूप में अपना रोष प्रकट करते हैं। कल विधान सभा के अंदर हंगामा होने वाला है। विधान सभा के लोग और वहां की जनता के लोग घेराव करने जा रहे हैं, यह भी शायद आप को जानकारी है। मैं यह निवेदन करना चाहता हूं कि पिछले टाकस पूर्वी राजस्थान के एक हजार एडवोकेट यहां तर प्रतिनिधि मंडल के रूप में आप से मिले थे। संसद सदस्य भी हम कुछ लोग मिले थे और प्रधान मंत्री से भी मिले थे। उन्होंने आश्वासन दिलाया था कि सारी बातों पर विचार किया जायगा। आप ने कहा था कि सारे पहलुओं पर सोच समझ कर हम इस का जल्दी निर्णय करेंगे। लेकिन आप ने अभी तक निर्णय नहीं किया है।

डागा साहब ने ला कमीशन की बात कही कि ला कमीशन ने ऐसा तय कर दिया था तो यह ला कमीशन का मामला तो जब ए० के० सेन के सभापतित्व में मीटिंग हुई थी और सब विधि मंत्री इकट्ठे हुए थे तो उन्होंने उसे उस समय अस्वीकार कर दिया था। डागा साहब ने जानबूझ कर शायद उस को छिपा दिया। उस बात को उन्होंने प्रकट नहीं किया। और दूसरे प्रान्तों में कई कई बेचेज चल रही हैं। मैं तो निवेद करता हूं कि क्या संकीर्णता की बात डागा साहब ने की? कोई बहुत बड़ी कुर्सी हम मांग नहीं रहे हैं। एक छोटी सी बेंच मांग रहे हैं। गोखले साहब से इतना ही कहना चाहता हूं कि एक छोटी सी बेंच चाहिए और बीस या पच्चीस दिन महीने में दो जजेज आ कर जयपुर में हमारे केसेज की सुनवाई कर लें, इतनी ही हमारी मांग है।

एक क्वेश्चन आप से 29 अप्रैल को हमारे माननीय सदस्य श्री रामचन्द्र विकल ने किया था कि राजस्थान की हाईकोर्ट के बारे में आप क्या करने जा रहे हैं तो आप का जबाब मिला था कि हम जल्दी ही इस पर विचार करेंगे और अभी राजस्थान सरकार से रोमह

पास कोई चीज नहीं आई है। मैं आप से निवेदन करना चाहता हूं कि इतना भयंकर, इतना भीषण मामला है। वहां पर एक आग भड़क रही है, प्रज्ज्वलित हो रही है। आप उसको न भड़कने दें और इस का जल्दी फैसला कर दें।

मुख्य न्यायाधीश के मामले में भी आप ने कहा है तो एक हमारा प्रतिनिधि मंडल उन से भी मिला था। उस में मुझे भी मिलने का अवसर मिला था। तो उन्होंने बड़े स्पष्ट शब्दों में यह बात कही थी कि जयपुर के अंदर बेंच नहीं हाई कोर्ट बननी चाहिए और जोधपुर में बेंच बननी चाहिए। यह उन के उद्गार थे। इसलिए मैं गोख साहब से निवेदन करूंगा कि इस मामले की अहमियत को समझते हुए वह इस पर जल्दी ही निर्णय लेने की बात करें।

इस के बाद मैं एक ही बात कहना चाहता हूं कि न्याय-पालिका इंडिपेंडेंट होनी चाहिए, स्ट्रॉंग होनी चाहिए और एफेक्टिव होनी चाहिए, इसमें कोई दो राय नहीं, यह तीनों बातें होनी चाहिए। इस के इलावा इस न्याय-पालिका से जल्दी से जल्दी इस भ्रष्टाचार को खत्म कर दिया जाय जो कि आग की तरह फैल रही है। अगर यह भ्रष्टाचार न्यायपालिका में भी बहुत ज्यादा भीषण रूप ले गया तो देश का क्या होगा यह आप समझ सकते हैं। मैं अनुभव की बात कहता हूं कि किसीकिसी जगह तो न्याय बाकायदा नीलाम किया जाता है कि जो ज्यादा रुपया देगा उस की तरफ फैसला होगा, कानून नहीं देखा जाता। इस लिए आप ऐसा कोई कानून बनाईए, कोई नियम बनाईए जिससे कि यहां पर इमानदार आदमी आ सके और न्यायपालिका में लोगों का विश्वास जम सके। आज समाज का विश्वास न्याय पालिका के ऊपर से उठ गया है और समाज में इतनी शक्ति नहीं रही है कि उस भ्रष्टाचार का खुल कर मुकाबला कर सके। मैं निवेदन करना चाहता हूं कि अगर न्याय पालिका की और पुलिस की

कौन कौन हो गई और भ्रष्टाचार दोनों में फैल गया तो क्या होगा ? कितना जुलम हो सकता है, कितनी भयंकर स्थिति हो सकती है । इस को समझते हुए धार को कोई बहुत बड़ा कानून बनाना चाहिए और साथ में यह भी निवेदन करना कि उन की सेवाओं की तरफ भी धार को ध्यान देना चाहिए । उन को अच्छी तनखाह भी धार को देनी चाहिए । जिसके ऊपर इतनी जिम्मेदारी का काम सौंप रखा है, जिससे धार यह कहना चाहते हैं कि निष्पक्ष हो कर ईमानदारी से काम करे उस को पूरी सुविधाएं भी धार को देनी चाहिए । इन सब बातों को ध्यान में रखते हुए मेरा धार से निवेदन है कि हमारे अपने देश की प्रगति के लिए और भ्रष्टाचार को मिटाने के लिए अगर न्यायपालिका से भ्रष्टाचार को धार हटा सके तो भ्रष्टाचार बहुत जल्दी दूर हो सकता है और अगर यह भ्रष्टाचार इसी तरह न्याय पालिका में जारी रहा तो हमारे हिन्दुस्तान के शब्दकोश में भ्रष्टाचार के स्थान पर शिष्टाचार शब्द जोड़ना पड़ेगा । इतना मुझे धार से निवेदन करना है ।

SHRI TARUN GOGOI (Jorhat): Mr. Chairman, Sir, while supporting the Demands, I would like to take this opportunity to congratulate the Law Ministry for taking a revolutionary step, a bold step and a progressive step, in the matter of amendment of the Constitution, the 24th and 25th Amendments, whereby the obstacles which stood in the way of achieving the social and economic objectives have been removed and which have established the supremacy of Parliament in the matter of making laws.

Besides, the Law Ministry has become more and more important, particularly, in a democratic country like India. It is unfortunate that we have not realised its importance, as can be seen from the fact, that we are discussing the Demands in respect of this Ministry for the first time. In a democratic country, changes have to be brought about through change of laws. The Law Ministry has not only to make laws but reflect the

wishes and aspirations of the people. It must feel the pulse of the people. In the Constitution also, there must be changes keeping in tune with the changing times so that it becomes a dynamic one, reflecting the wishes of the people. Laws are meant for the people, not people for the laws. The Constitution is the vehicle for the people's life and it is the people who have to run this vehicle.

I agree there are serious wrongs in the present judicial system. We are still following the same colonial judicial system we inherited. It is not meant for the poorer and weaker sections. Constitution provides remedies for violation of the fundamental rights but these remedies are available only in the High Courts and Supreme Court not in the lower courts. In the case of poor people like drivers and Class IV people who are wrongly dismissed though there is violation of the constitutional provision, they cannot afford to go to the High Court or Supreme Court seeking the remedy. I would plead with the Ministry of Law that under article 32, the lower courts also should be empowered to give these remedies so that the poor people can take recourse to them.

Mr. Chatterjee started by questioning the *bona fides* regarding the appointment of judges. It is the prerogative of the Government to appoint judges. Government will only appoint these who can discharge their duties properly, and who will not stand in the way of socio-economic justice being done to the people and who will try their best to secure the objectives enumerated in the Preamble of the Constitution. Mr. Mishra said that article 124 has been violated by the appointment of the Chief Justice. As I understand it with my little knowledge of the Constitution, I think the appointment of the Chief Justice is quite in accordance with the constitutional provisions.

Allegations about rigging of elections have been made. It was said that the Election Commission is polluting the whole system and the ruling

[Shri Tarun Gogoi]

party is corrupting the whole electoral system. This is not a fact. If it is a fact, how can so many opposition party members be elected to the Parliament and State Assemblies? When they are successful, they say, it is a fair election. If they are rejected, they say, the elections are not free and fair. This is nothing but the result of the frustration of the opposition parties who have been rejected by the people. I submit that the Election Commission is conducting the elections in a free and fair manner. There may be some lapses in the election rules which may be changed. But if such sweeping criticisms are made, it will undermine democracy and democracy would not take foot at all. If you do not have any faith in democracy, why do you contest elections? I do not find fault with the Election Commission. There may be certain deficiencies in the electoral system. I feel that there must be some reforms in the electoral system; there is involvement of lot of money and it should be curtailed.

I also agree with other hon. members that, after retirement, the judges and Election Commissioner should not be reappointed because justice should not only be done but should also appear to be done.

In respect of MRTP Act, I have great grievance against this Ministry. The Act has been brought into force in order to restrict the growth of monopolies, but how far it has been successful, I leave it to you to judge. Instead of monopolies being restricted, there has actually been a growth of monopolies; a lot of companies, foreign and Indian, have been growing through various nefarious activities.

In respect of legal assistance to the poor, I would like to say that the judiciary should be accessible to the poor, it should be nearer to the people. Now the judiciary is not nearer to the people, it is far away from the people; not to speak of Supreme Court or High Courts, even the lower courts are far far away from the people, 40

per cent of our people live below the poverty line. And what is the system for them? How can they expect to get justice? They cannot afford to go even to the lower courts, not to speak of Supreme Court or High Courts. There should be a radical change in the whole judicial system so that all the people, irrespective of their financial status, can get proper justice. I would request the hon. Minister to appoint a Committee consisting of all the people—Members of Parliament, Judiciary and persons from all walks of life—so that they can go deep into the matter; unless the matter is gone into in depth, there cannot be any changes. Merely making a sweeping criticism against the present system will not serve the purpose. They should go deep into the matter, how the system can be changed whereby justice can be ensured to all sections of the people.

Then I would like to point out that you are giving too much importance to only higher judiciary. You must give importance to lower judiciary also. Their conditions are far from satisfactory: their scales of pay, living conditions and housing facilities are most deplorable. If the States are unable to provide all these facilities, the Centre should go to their help.

In respect of Official Language Commission, legislative side, I find that the language is very complicated. On the other hand, what is said? Ignorance of law is no excuse. Therefore, it must be in a simple language so that all people can understand the law; it should be translated in all the regional languages.

With these words, I extend my full support to the Demands for Grants of the Ministry of Law, Justice and Company Affairs.

SHRI B. R. SHUKLA (Babraich): Mr. Chairman, Sir, I extend my full support to the Demands for Grants in respect of the Ministry of Law, Justice and Company Affairs. It is a matter of great satisfaction and pleasure that the Ministry is headed by a gentleman

who has been a brilliant lawyer and a sober judge and who has adorned the Bench and the Bar alike. His Ministry is entrusted with a three-fold task, namely, to ensure fair and impartial justice throughout the country, to maintain an impartial system of elections, and to administer the company law affairs in such a manner as to break up the system of monopoly and decentralise the economic power among the people. Now I would like to take up these three aspects in seriatim.

So far as administration of justice is concerned, it has been criticised from various points of view. One point has been that the judges after their retirement, are given jobs by the Government; thereby, the confidence in the judiciary is eroded; they are influenced by the prospect of future appointment. I am entirely in agreement with this line of reasoning, and my suggestion is that the judges should not be appointed to any remunerative post after their retirement. In other countries like UK and USA, the Judges are made Judges for life, but I would not have that system also because here, if an undesirable Judge has somehow or the other crept into the judiciary, then it would be a perpetuation of an undesirable type of man. Therefore, the age limit which has been fixed for retirement should be retained. Now, how to ensure the future prospects of a retiring Judge? I would submit that the remuneration of the Judges should be enhanced. Their pensions should be enhanced. I would appeal to every section of the House not to be very much influenced by the so-called socialistic ideas in matters of salaries and emoluments of Judges. Let us grant it because the benefit that will accrue by providing such good conditions for the Judges would be for the benefit of society. The hon. Minister of Law himself had been a Judge and if I remember aright he resigned his judgeship on grounds one of which was that the emoluments were inadequate. If they were inadequate at a time when prices were not so sky-high, it is all the more necessary and in the fitness of things that Judges' salaries should be raised, their

pensions should be raised and their conditions of living and working should be made so attractive as to induce talents from the members of the Bar to occupy the chair in the Judiciary.

There is one more point. In this very connection, I would like to suggest that the Chief Justices should be appointed not from among the Judges of the same High Court or from among the members of the Bar of the same High Court because it is a matter of daily occurrence and experience that the Judges who are appointed Chief Justices have developed a sort of clique and groupism and, therefore their functioning vitiated by intrigues. Therefore, Judges from outside cadre should be appointed as Chief Justices. At least 50 per cent of the High Court Judiciary should be manned by persons belonging to another High Court. Of course, there may be the difficulty of language. At least it should be made like this that in the Hindi-speaking area a Rajasthan man should be appointed in UP and a UP man should be appointed in Bihar. Similarly, in the southern zone there should be similar arrangements.

Another point which I want to place for your consideration is that at least nine year records of a person who is going to be appointed a High Court Judge should be taken into consideration and in that connection, the opinion of at least three places where the Judges has functioned during the last nine years should be obtained. The opinion should be obtained from the President and Secretary of such three Bar Associations as the Bar is the most effective source from which valuable opinion about the conduct and calibre of such persons can be obtained. Therefore, while making an appointment the opinion of three Bar Associations where he has held office as a Judge should be taken.

Now, as regards the election system. of course, the hon. Members who have the privilege of occupying the Opposition Benches and who have not the

[Shri B. R. Shukla]

good fortune of coming over to this side always make a grievance, I would not say that the election system has functioned to the satisfaction of all but I would say that certainly, by and large, the election machinery has acted fairly, effectively and impartially. After all, everything is fair in love and war. Election battle is also a battle and when there is a battle there are of course contending parties and somebody sometimes goes astray; even opposition Members, if they happen to be friendly with the officers, also exploit the situation. So, on that account, the high office of the Election Commission should not be subjected to unjustified criticism in this House. Let us promote the growth of healthy convention for proper and effective functioning of democracy. How the opposition parties have contributed? They have misbehaved in the State Legislature of UP by throwing a paper ball at the head of the State. Is it conducive to democracy? They have threatened the Governor. Is it conducive to democracy? My submission is this. The Members of the opposition parties as well as the members of the treasury benches should make a cooperative effort for promoting this institution of democracy which has been firmly planted in this soil of India. It is no use blaming at each other or mud-slinging at each other.

It has been said about the Attorney General that he has got a fabulous fee. My friend Mr. Daga has quoted from certain booklet. I would reply to him by saying that out of the fee which is to be paid to him, almost 97.5 per cent would be going by way of taxes. In the legal profession in spite of the uninformed and unenlightened criticisms that we hear, we have a dozen of eminent persons! Motilal Nehru, C. R. Das, Chakravarti Rajagopalachari, Sir Ferozshah Mehta, were doyens of the profession but they all accepted fabulous fees. They were not in any way less patriotic and their contribution to the cause of freedom of the country is in no way

inferior to anybody else. Benck-sheep may be there in every profession. But a person who comes to the top does not come up to the top unless he makes his mark by sedulous efforts and he rises up slowly and steadily. Look at the fee Mr. Palkhiwala has got. Mr. Niren Dey would have got more money than that of Attorney General if he had got brief on behalf of private parties. So, we should not condemn the fees which they are getting. As for breaking up of the monopoly, I would say, I would agree that we should break monopoly, but if the breaking up comes in the way of production. I for one would lend my support for production rather than for breaking up. The primary and foremost consideration is production. Today the paramount need of the hour is that there should be greater and greater production. We should not be lost in mere slogans and catch words. Ours is a task of waging war on poverty. For that we cannot ignore the talents of the private enterprise.

Let us all therefore combine and make tremendous efforts to boost up production and also try to put down the monopoly system but the monopolist should not be scared away in order to please a few misguided enthusiasts who have got their borrowed ideology from other countries which have no relevance to the context of things as they are today in our country.

SHRI SHANKERRAO SAVANT (Kolaba): Mr. Chairman Sir, I support the demands for grants relating to the Ministry of Law and Justice.

As a matter of fact, this ministry is a very important ministry because it controls the judiciary which affects everyday life of millions of people. But, somehow or other, this is the least criticised ministry. The main reason to my mind is this. There is a wrong belief that it is impolite to criticise the judiciary. As a matter of fact

this belief has created some wrong impression on the judges that like the king the judges can do no wrong. For this proposition I can cite an instance from the Supreme Court's judgment in the Golak Nath's case. They cited therein some unknown American precedents which were non-existing, viz., "This prospective over ruling" and on the strength of this principle gave a wrong judgment which is not publicly criticised. Take even the latest judgment on the Fundamental Rights case where thirteen judges gave almost as many judgments. Nobody knows the ratio decidenda of the judgments. Queer judgments are given not only by the Supreme Court Judges but also by the Lower Court Judges. They are not popular with the people. There is a belief that in the courts justice is rarely done. Somehow or other there is divergence between the fact as they are known to the people and the facts as they appear during the course of trial or as they emerge from the courts. The people know who is a murderer or an adulterator but, somehow or other when the matter comes up before the court, he goes scot-free. That is because a wrong interpretation is put by unscrupulous judges on a salutary maxim and as a result, the guilty persons escape. The maxim is that let nine guilty persons escape but let not one innocent person be punished. It is a good maxim. It is wrongly interpreted. The result is that in criminal court, the guilty people are rarely found to be guilty.

So, if we want to see that the judiciary becomes popular, we shall have to overhaul some of our judicial systems and some of the maxims also. Secondly, I would like to point out one thing. So far as the latest ruling of the Supreme Court goes on the Fundamental Rights case, it was alleged that the Chief Justice and even Shri Palkhivala tried to persuade the judges—it has been said openly and it has never been denied—to give a particular judgment. As a matter of fact the Chief Justice should have been impeached for this disgraceful beha-

viour. We simply did not take any cognisance on these things because of a belief that it is not proper to criticise the judges. This is a wrong belief.

Much has been said about overcrowding of work in the high courts and the supreme court. That is a fact I would like to make one suggestion. The Law Minister may kindly consider it. What happens is this. There is a concurrent jurisdiction in the High Courts and Supreme Court in the matter of laws passed by Parliament. It is not necessary to give the concurrent jurisdiction at all. The high courts' jurisdiction should be limited to the laws passed by the State Governments. If there is a challenge to the validity of any law passed by Parliament, then that challenge should be taken only in Supreme Court. If we can do this thing, we can reduce considerable litigation; writ petitions too could be reduced to more than a half.

As regards emoluments of judges, everybody has said that their emoluments should be increased. I would only point out one thing that the judges cannot act like the trade unions. We find that even the I.A.S. Officers have got their association. The judges have not done it. They should not do it as it will lower the dignity of the courts. Therefore, it is for the State Government to see that proper emoluments are paid to them. As a matter of fact, the costs of living have gone up. It is not necessary to bring that up by somebody. It should have been done automatically long time ago.

Now, I would like to point out certain things in regard to company affairs. I do not know whether the Department of Company Affairs considers that their duty is simply to watch the company affairs and the misdeeds of the companies only. I can cite the example of Morarkas. They have managed so many concerns, and every concern has come to grief. The Company Affairs Department has never interfered until the company concerned has actually come to grief. They have

[Shri Shankersav Savant]

not paid even income-tax to the tune of crores of rupees and yet they are allowed to manage some of these firms and they are already mismanaging the employees' provident funds with the result that the employees are scared that in case the company comes to grief they may not get anything by way of gratuity or provident fund. So, I would suggest that the Department should take preventive steps in time after seeing what these company managements are doing.

With these words, I support the Demands of the Ministry.

17.57 hrs.

STATEMENT RE: JUNIOR DOCTORS' STRIKE

THE MINISTER OF HEALTH AND FAMILY PLANNING (DR. KARAN SINGH): I am glad to inform the House that the Junior Doctors of the Post-Graduate Institute of Medical Sciences in Chandigarh, and the Jawaharlal Institute of Post-Graduate Medical Studies and Research in Pondicherry have called off their strike and resumed duties. This follows the decisions on this problem reached by Government after careful and thorough consideration. In order to save the time of the Members I am placing a copy of the decisions on the Table of the House, and will only highlight a few salient points.

These decisions mark a further advance over the announcement by Government on 12th January, 1974, which had in turn improved upon the recommendations of the Kartar Singh Committee. According to the new decisions an Intern will get a stipend of Rs. 350/- per month with effect from 1st January this year as against Rs. 200/- on the 1st January, 1973 (an increase of 75 per cent). Similarly as against a fixed stipend of Rs. 275/- the First Year Junior Resident in Delhi will now

get Rs. 545 (an increase of 98.2 per cent) and as against fixed stipends of Rs. 300 per month the Second and Third Year Junior Residents will now get Rs. 599.50 and Rs. 654.00 (an increase of 100 per cent and 118 per cent respectively). What is more, the emoluments of the Junior Residents have now been made sensitive to rise in the cost of living, and they will be allowed further increases in Dearness Allowance at the same rate as admissible to Central Government employees of the same group.

Another important point is that Government, consistent with its policy of fairness and a genuine desire to avoid victimization of the strikers has made several concessions with regard to the treatment of the strike period. Whereas the period will be treated on the principle of 'no work, no pay', all punitive action will be withdrawn and Government will consider condoning the break in service for other purposes at the expiry of the tenure subject to satisfactory performance of duties. In the event of condonation there will be no mention of strike in the final certificate and records of Junior Doctors. If the Junior Doctors are required to extend their terms by the concerned academic authorities, they will be given facilities to do so and will also be paid for the extended period.

In the face of such a generous offer, it is most surprising that the Delhi Junior Doctors have not called off their strike. Although I have not yet received any formal communication from them, today's press reports are not encouraging. Hon'ble Members will appreciate that this whole matter cannot be allowed to drag on indefinitely. While the Junior Doctors are obsessed with their own demands they seem to be totally impervious of the continuing suffering that they are inflicting upon large sections of the community. It is not my habit to use strong language, nor do I wish to depart from the attitude of sympathy and consideration that I have adopted throughout this prolonged period. However,

the time has now come when it has to be made perfectly clear that decisions of Government on this matter are final, and further, that they cannot be held open indefinitely in view of our overriding responsibility to ensure that the hospitals function normally.

Despite all that has happened, I retain my basic faith in the good sense and goodwill of the Junior Doctors, and I sincerely hope that they will not push matters to the point of no return. It is our information that even in Delhi a considerable number of Junior Doctors do wish to return to work. I also understand that a number of junior doctors have left Delhi and have gone back to their homes pending a settlement of the strike. In order therefore, to give some more time for better sense to prevail and for doctors from outside to return here, I have decided to keep Government's offer open until the end of this week. Thereafter Government will take necessary steps to ensure alternative arrangements as the situation may demand. I must add that any attempt at intimidation or physically disrupting the out-patient departments or any other aspect of hospital functioning will have to be put down with a firm hand.

Statement Re: Government's Decisions

18.00 hrs.

In the event of immediate withdrawal of the strike, the following can be agreed to:—

1. Junior Residents will be on contract service. From 1st January, 1974 they will be paid as follows:

First Year—Rs. 500/- plus Dearness Allowance at 3 per cent of the pay with effect from 1st January, 1974. Further increases in D.A. will be allowed with effect from the same dates and at the same rates as admissible to Central Government employees of the same pay group. City com-

pensatory allowance will also be paid as admissible to Central Government employees.

Second Year—Rs. 550/- plus allowances as above.

Third Year—Rs. 600/- plus allowances as above.

The contract service will involve a selection at the time of first admission and also after completion of the first year.

2. Stipend of Interns will be Rs. 350/- per month with effect from 1st January, 1974.

3. The request of the Junior Doctors for NPA of Rs. 150/- per month to Senior as well as Junior Residents, and higher starting pay for Senior Residents will be placed before Cabinet for final decision.

4. Minimum qualification for selection as Senior Resident in any speciality will be a post-graduate Diploma or Degree in the concerned speciality. If such candidates are not available in any particular speciality, those without post-graduate qualification may be considered for selection. Senior Resident's possessing post-graduate qualifications will continue to get post-graduate allowance as recommended by the Kartar Singh Committee. The present Registrars, who are not possessing post-graduate qualification, will be permitted to complete their normal tenure.

5. Normal and avoidable breaks between Junior and Senior residency, and between Resident service and subsequent recruitment to regular Government service, will be condoned up to a total period of one year for calculation of qualifying service for pension and retirement benefits.

6. In regard to the experience gained as a result of Residency service for the purpose of grant of increments, the attention of the U.P.S.C will be drawn to the rules under which they

(Dr. Karan Singh)

have power to make recommendations for grant of advance increments and they will be requested to give due weightage to such service and experience.

7. (i) The period of strike will be treated on the principle of 'no work, no pay'. However, as a gesture of goodwill, Government agrees to withdraw all punitive action initiated against the junior doctors including suspension, termination, eviction orders and withdrawal of notices for recovery of scholarship amounts.

(ii) Government will consider the question of condoning the break in service at the expiry of tenure in all cases, subject to satisfactory performance of duties. In the event of condonation, there will be no mention of the strike in the final certificate/records of junior doctors.

(iii) The question of condoning the break in academic term is a matter

which cannot be decided by Government unilaterally, as it involve various academic authorities including the Medical Council of India. This matter will be forwarded to them for sympathetic consideration. In the event of these authorities requiring an extension of any of the periods for various categories of junior doctors they will be provided facilities to complete this period and will be paid for this period.

8. These decisions will be applicable to the Central institutions at Chandigarh and Pondicherry also.

MR. CHAIRMAN: The House now stands adjourned to meet again at 11 A.M. tomorrow

18.03 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, April 3, 1974/Chaitra 13, 1896 (Saka).